

AGNOS TO CITY: DROP DEAD

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The San Francisco
BayGuardian

THIS ISSUE IN 2 SECTIONS

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The San Francisco Bay Guardian

VOLUME 22, NUMBER 21, MARCH 9-16, 1988



GUARDIAN PHOTO BY MARSHA LIEBERMAN

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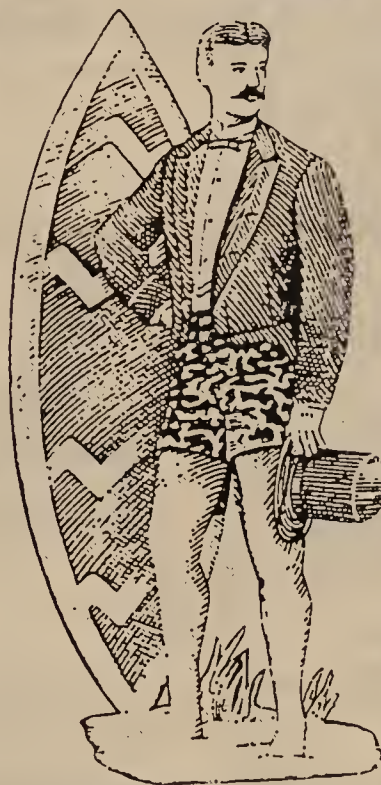
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IN THIS ISSUE

The secret society

Democracy is not a terribly efficient system. The fastest way to resolve a dispute is not to discuss it among all the various factions, in an open public forum, but to make a unilateral declaration, behind closed doors.

Decisions made that way, however, don't tend to reflect the will of the general populace. And in many cases, they tend to be bad decisions. San Francisco's long-term power contracts with PG&E and the Turlock and Modesto irrigation districts aren't good for anyone in San Francisco (except PG&E) — they'll hurt big business, small business, homeowners, landlords, tenants, public agencies, welfare clients, the homeless... anyone who ever throws a light switch, pays an electric bill or depends in any way on the service or assistance of the city.

Those contracts were negotiated, debated and approved largely in secret. As Supervisor Richard Hongisto now suggests, if the initial contracts had not been considered in a secret board meeting in 1985, the city might never have been stuck with such a lousy deal.

As the stories in this issue point out, secrecy is running rampant in San Francisco government, and getting worse every day. The situation is not hopeless, though — with a bit of political organizing and some pressure from the press and public, the forces of secrecy can be beaten back. Our FOI package should provide you

with some of the tools.

Jerry Burns, who died of cancer Monday, was an old friend of the Bay Guardian and one of the early contributors to our political coverage. Jean Dibble remembers him driving over on his motorcycle to visit Bruce and her at home in the late 1960s, to pass on a few tips and drop off the occasional stories that he wrote under an "our correspondent" byline. Jerry's employers at the Chronicle probably never knew that he was writing anonymously for the Bay Guardian about topics like the scandal in Assessor Russ Wolden's office and the succession battle that followed the death of state Senator Eugene McAteer.

As the years passed, and Jerry moved up in the Chronicle hierarchy, the Bay Guardian found occasion to engage him in battle, usually over the Chron's failure to cover some Wolden-type scandal. Jerry always returned our calls, he never flinched from the fray — and he never lost his sense of humor. "The Chronicle covers all the news, as it happens," he used to tell me, with just the slightest hint of a twinkle in his voice.

I shared the podium with Jerry quite a few times, at panel discussions before journalism students, civic clubs and press groups. We never found much to agree on, but I always enjoyed the fight. I hope he did, too.

Rest in peace, Jerry. We'll all miss you.

— Tim Redmond

BayGuardian

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(Wilbur Storey, Statement of the aims of the Chicago Times, 1861)

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VOL. 22 NO. 21 MARCH 9-16, 1988

LETTERS

Local 250 stewards respond

The column that appeared in your Feb. 24th issue ("Behind the Chaos of Local 250," by Paul Johnston) was an amusing adventure into fantasy but any relationship it may have had to reality is purely coincidental. The idea that Phil Giarrizzo (former Local 250 trustee) was a modern-day Walter Reuther who would have reinstated lofty principles to a troubled union is laughable at best. Could you have been referring to the same Phil Giarrizzo who we have observed on repeated occasions screaming at members who disagreed with him at union meetings?

Phil Giarrizzo wasted tens of thousands of members' dues dollars on an extravagantly expensive convention which was more of a pep rally for the would-be candidate than a business meeting. He promoted staff loyal to him to new, and in our opinions, unnecessary supervisory positions at great expense to the union. And all the while, not one dollar went into the strike fund!

Mr. Giarrizzo's membership-based support came primarily from the little-known handful of whining dissidents known as Committee for a Democratic Union (obviously the sole source of Paul Johnston's article). CDU's claim to fame is that their perennial candidate, Blanche Bebb, received the negative vote against the unpopular Tim Twomey in the last election, but then again, Howdy Doody would have done just as well.

We take issue with the fact that Johnston is so obviously biased and that his article is full of error. Perhaps he should take a refresher course in Journalism 1A and learn what it means to do investigative reporting. It is clear Sal Roselli's campaign is solidly based in membership support and rejects the Tim Twomey era. Mr. Johnston's attempt to link Roselli with Twomey as possible running mates conclusively discredits his article. Also, we find it curious that Johnston did not even mention the

other half of the Roselli ticket — Shirley Ware, a black woman from the rank and file who has devoted 23 years of her life to Local 250.

After the union lost the bitter Kaiser strike, Sal and Shirley led rank and file and staff in 15 different sets of major hospital negotiations in Alameda and Contra Costa counties. The union was successful in all 15, rejecting two-tier, rejecting all takeaways and achieving across-the-board wage increases for all Local 250 members.

When Sal was fired by the International Union, over 470 shop stewards and worksite leaders from 126 hospitals Northern California-wide protested his termination. This is in stark contrast to Phil Giarrizzo's last union-wide campaign meeting when only 18 members came together to support him.

We do agree with Mr. Johnston's one point: Members "are not stupid" — his readers aren't either.

Vi Matthews
Mary Strother
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Redwood City
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Carol Davis
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San Jose
Shop stewards, Local 250

Giarrizzo legacy

I enjoyed reading Paul Johnston's well-written, condensed article on the current state of Local 250 (Bay Guardian, 2/24/88). In my nearly nine years as a shop steward, I experienced more democracy under the leadership of former trustee Phil Giarrizzo for one year than I did under Tim Twomey. Nevertheless, the next elected leader of Local 250 will have to adhere to the progressive constitution and bylaws, which contain many checks and balances, that Mr. Giarrizzo helped us update. Whether or not Local 250 moves forward or regresses will depend upon the union members' ability to learn from the past leadership's unaccountability to the rank and file. Because the Kaiser employees haven't had percentage raises for two years, I'm sure that factor will help them choose a new leader wisely. I hope the

Bay Guardian will continue to report the state of Local 250 and other unions that are undergoing changes.

Marian C. Murphy
San Francisco

Union participation

We are Local 250 members who represent our co-workers against the bosses who run our hospital. In the past we couldn't do that effectively because the union leaders then did not want us to be involved or to share any power with us.

But all this began to change when Phil Giarrizzo took over Local 250 (see Bay Guardian, 2/24/88). He gave us hope that things would get better — and they did. More people are active in the union now, and Giarrizzo sought out and respected our opinions. Members felt we could fight back against management and, for a change, the union would back us up! We made up our own minds about what we wanted and the union didn't sell us out.

Now Giarrizzo is gone and contract negotiations in San Francisco are starting. The bargaining committee voted unanimously to bring back Giarrizzo to negotiate our Affiliated Hospitals contract, but we still have no one on our side to present our positions effectively and forcefully. The union in Washington threatens to take all our hope away but it is our union and we intend to keep on fighting!

We are also upset that we are receiving campaign letters from Sal Roselli and Shirley Ware, giving us more promises if only we follow them. We can't do that because we know they supported the old leadership of Twomey and Ring, and they are the reason we lost hope and a fighting union in the first place. More important, we believe they think their election to office is a bigger priority than rebuilding this union to benefit all the members. Their agenda is gaining power; our agenda is a more democratic, militant union.

It's time for health care workers to run this health care workers' union. We urge our members to reject those individuals and groups who would put us back where we were and support those who truly act upon our desire and need for rank-and-file control of Local 250.

Steve Surrhyn
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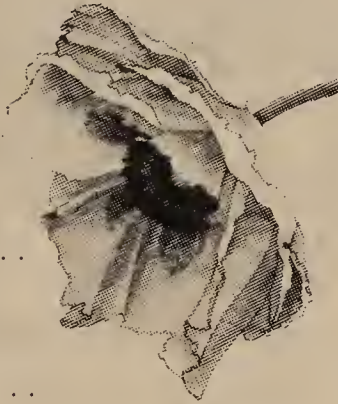
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Agnos ducks interview on contract signing

By Tim Redmond

SAN FRANCISCO Mayor Art Agnos, who ran for office on a platform of accessibility to the community, has failed to respond to Bay Guardian questions about his decision to sign long-term power sale contracts with PG&E and the Turlock and Modesto irrigation districts.

It was the first time in at least five years that Agnos has declined to discuss a major local issue with the Bay Guardian.

Over the past two weeks, Bay Guardian reporters have attempted on several occasions to arrange a telephone interview with the mayor on the contracts issue, but each time, his press office said Agnos was extremely busy and not available for comment.

On Friday, March 4th, we hand delivered to the Mayor's Office a letter seeking answers to several specific questions about the contracts, and on Monday, March 7th, we called and asked once again for an opportunity to discuss the issue with Agnos, who had spent the weekend playing golf in Palm Springs.

Scott Shafer, Agnos's deputy press secretary, said he had received the letter. But he added that Agnos "has not had time to read it," was "totally booked up" and probably would not be able to respond before press time.

As of 10 pm Monday night, Agnos had neither responded in person nor relayed answers to any of the written questions.

The contracts, approved by the Board of Supervisors Feb. 29th over the strong objections of the board's budget analyst, Harvey Rose, commit the city to selling virtually all of its surplus Hetch Hetchy electric power at wholesale rates to Turlock and Modesto until the year 2015. Under the contracts, the city also must pay PG&E about \$15 million a year for transporting power across the utility's lines and for promising to back up the city's deliveries to Turlock and Modesto in the event of a serious drought or a mechanical breakdown at Hetch Hetchy.

Rose estimated in a report to the board's Finance Committee that the city would lose \$52 million a year by selling the power to Turlock and Modesto at bulk rates instead of bringing it to San Francisco and selling it at retail rates to residents and businesses.

In fact, Rose said, the contracts would make it far more expensive — and thus far less viable — for San Francisco to establish its own public power system, an option that potentially could prove a source of tremen-

dous new revenue to the deficit-plagued city. Supervisor Richard Hongisto, using data provided by Rose's office, has estimated that a public power system would bring the city some \$140 million a year in revenue.

Rose and other critics of the contracts also point out that the agreements with Turlock and Modesto were reached without competitive bidding, and that the districts will pay less than current market rates for the city's hydroelectric power. In fact, several of the supervisors who voted in favor of the pacts acknowledged that the city had not negotiated a favorable deal with PG&E or the districts, and that more aggressive negotiations could have brought millions more in annual revenue into the general fund.

Records released by the Public Utilities Commission after repeated Bay Guardian requests show that PG&E had reneged on a major commitment to low transmission and "firming service" rates in 1983, placing the city "between a rock and a hard place." From that point on, the records show, the city negotiated from a "defensive" position, giving away far more than it received and ultimately allowing the districts and PG&E to win nearly all the benefits of a major public resource owned by the citizens of San Francisco (see Bay Guardian, 3/2/88).

In a March 1st press release, Agnos stated that "all of the questions raised by city officials, including Board Budget Analyst Harvey Rose, and members of the public were answered to my satisfaction" at a February Public Utilities Commission hearing.

In the press release, the mayor also stated that the contracts do not preclude the establishment of a public power system in the city as a future energy option, and that the City Attorney's Office had advised him that the city would risk losing millions of dollars in revenue if the contracts were not signed.

Here are the questions that, as of press time, Agnos had not answered:

1. Although the contracts don't legally preclude municipalization, Harvey Rose says the contracts would make public power so much more expensive that it would be a much less viable option. That, PUC records show, is exactly what PG&E had in mind. Was the supervisors' budget analyst wrong? Can you explain how? If not, do you agree that the contracts make municipalization more difficult and expensive? If so, why did you sign them?

2. Why, if you said as recently as early February that you were in favor of a feasibility study on public power, did you sign the contracts that the budget analyst, among others, says makes municipalization that much more difficult to accomplish?

3. Why didn't you make a statement on a feasibility study? Do you still support one? Will you call for the PUC to do one and demand public power commitments, and commitments to do a feasibility study, of all new PUC commissioners?

4. Your press release also includes a statement that the City Attorney's Office had advised you that you had to sign these contracts to avoid a lawsuit. But that opinion came from Deputy City Attorneys Len Snider, George Krueger and Tom Berliner, all of whom were involved in negotiating the contracts and thus may have a personal and professional stake in seeing them approved. The only out-

side confirmation came from the Howard, Rice law firm that has had a long history of pro-PG&E stands. Did you seek other, independent legal advice? If so, when? If not, why not?

5. What representatives of PG&E have discussed the contracts with you? Did John Burton, Richie Ross or Willie Brown in any way mention the contracts to you or urge you to sign them?

6. Why did PG&E's arguments prevail over those of more independent sources, such as attorney George T. Davis, Supervisor Hongisto, Harvey Rose and the Bay Guardian?

7. Why didn't you or your aides examine the newly released PUC documents before you made your decision?

8. The documents show that PG&E abruptly changed its position on firming fees and other major contract items in 1983, after San Francisco had begun negotiating with Turlock and Modesto using PG&E's earlier promises as a basis. By the time the utility switched its position, San Francisco had already made some commitments to the districts, and the new PG&E stance made these commitments far more expensive. Do you believe it's good public policy to let a private utility force the city into a weak position like that and get away with it? Will you investigate why the city continued to negotiate in good faith with PG&E after that bad faith move?

9. Why did you reverse field on this issue and mislead all your public power supporters, including the Bay Guardian?

10. Will you support Supervisor Hongisto's call for an energy options task force to study all available energy options for the city? If not, why not? ■

PS: The press coverage of Agnos's signing of the contracts was typical of the way the major local news media have covered the entire issue. The Examiner and Chronicle both ran stories on the signing, but both were short, buried and remarkably similar in form and content. In fact, both stories appeared to be written almost completely from a March 1st press release from Agnos's office.

In the Chronicle article, written by reporter Jim Doyle, the third paragraph consisted entirely of a direct quote from the press release.

The fourth paragraph of the Examiner story — which had no byline — was taken almost word for word from the press release, with a slight reordering of phrases.

Neither story showed any sign that either paper had made any effort to examine the PUC documents relating to the contracts. Nor did either story indicate that the dailies made any effort to contact Agnos and pin him down or challenge the statements made in the press release.

QUOTE OF THE WEEK

"When you're negotiating, you don't want to look over your shoulder and see a television camera recording every word."

— Mayor Art Agnos, explaining the secrecy surrounding his Demolition Task Force in the SF Independent, March 2nd

The Bay Guardian encourages readers to submit nominations for "Head of the week" or "Quote of the week." All suggestions should include an original or photocopy of the source, and the date of publication. Mail your suggestions to: Crate M. Lovelace, Bay Guardian, 2700 19th St., SF 94110.

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City Hall's reign of secrecy

San Francisco's major boards and commissions spent an astounding 20 percent of their time meeting in secret during 1987

By Jim Balderston

SAN FRANCISCO'S major boards and commissions spent an average of more than 20 percent of their total meeting time in closed session during 1987, a Bay Guardian survey shows.

One agency, the Community College District governing board, spent a staggering 57 percent of its time in secret session, the survey found. And no major board or commission that held executive sessions during the year spent less than 5 percent of its time behind closed doors.

The survey indicates that the problem of secrecy in San Francisco city government is getting worse — a similar study conducted last year found that, on average, San Francisco agencies were spending slightly less than 20 percent of their time in secret session during 1986, and no agency spent more than 43 percent of its time meeting behind closed doors.

Experts in California's open meetings laws expressed astonishment at some of the results of the survey, and even the members of some local boards and commissions said they were surprised to learn how much time they were spending in secret meetings. The results of the survey underscore a growing problem among local governments in California: Thirty-five years after the passage of the landmark Ralph M. Brown Open Meetings Act, secrecy continues to plague reporters and citizen activists who seek to monitor the workings of their local elected and appointed officials.

A Bay Guardian task force combed the minutes of six major local boards and commissions for 1987, recording the exact amount of time each agency spent in closed session and in public meetings. In some cases, the agencies balked at providing the material, or provided incomplete information, and repeated visits and demands for the information were needed before the simple, basic records of when the open and closed meetings were convened and adjourned could be obtained (see sidebar).

■ The governing board of the San Francisco Community College District spent 57.2 percent of its total meeting time in closed session. The executive

sessions occurred before almost every regular board meeting, and in some cases a closed meeting was held without any public session afterwards. During the meetings, board members usually ate a catered dinner at district expense.

■ The San Francisco Unified School District board spent 21.8 percent of its time in closed session, and some of those meetings have taken place in apparent violation of the Brown Act.

■ The San Francisco Public Utilities Commission spent 20 percent of its total meeting time in closed sessions. At least one scheduled secret meeting had to be canceled after the Bay Guardian protested that the commission had not provided adequate public notice of the meeting.

■ The Board of Supervisors met in executive session 8.9 percent of the time, a figure one supervisor called surprising and probably excessive.

■ In some cases it was impossible to determine how much time agencies in the city met in closed session because minutes of meetings contained no detailed accounts of when closed sessions began and ended. Further, many of the agencies surveyed did not give the proper type of notification of executive sessions, omitting key details of what Brown Act exemption the agency was citing to keep the public out of the session.

THE RALPH M. Brown Open Meetings Act was the brainchild of San Francisco Chronicle Reporter Michael Harris, who discovered during a stint on the copy desk that reporters were consistently unable to get basic information from local government agencies because so many meetings were closed to the public. Harris investigated the problem, and in 1952, the Chronicle published his series, titled "Our Secret Government."

The series created a stir among journalists and public interest organizations up and down the state, and in 1953, Assembly Speaker Ralph M. Brown, a Modesto Democrat, agreed to sponsor legislation addressing the problem. Harris co-wrote the law with League of California Cities counsel Richard Carpenter. Brown introduced it and Governor Earl Warren signed it into law.

The Brown Act sets minimum standards that local agencies and legislative bodies must adhere to in the course of conducting public business. The act allows agencies or legislative bodies to set more stringent open meeting requirements for themselves.

The Brown Act contains four major exemptions that allow agencies to con-



GUARDIAN PHOTOS BY HARU KO

The School Board's hideaway: The Inn At The Opera on Fulton Street, where San Francisco's School Board held a Sunday morning meeting to discuss ways to get the public more involved in the school district.

Creative secrecy

Some agencies will go to almost any length to keep the public's business private

Some local agencies will go to extraordinary lengths to deny the public access to meetings and records. Here are some telling examples:

■ The San Francisco school board met at 10 am on a Sunday morning, June 6, 1987, in a tiny conference room in a hotel near the Civic Center. The meeting was technically open to the public, but was attended by only three members of the public — two former school district employees and a Bay Guardian reporter.

The meeting was originally posted as a closed session, but was changed to an open session after Bay Guardian inquiries.

But the location and the time of the meeting all but assured that it would be lightly attended.

The meeting was held at the small but posh Inn At The Opera, a quiet hotel at 333 Fulton Street. The actual meeting was held in a conference room barely large enough for the members of the board and Superintendent Ramon Cortiles.

Participants at the meeting enjoyed coffee and a light brunch.

Ironically, one of the prime topics of this special session of the Board of Education was "Ways to get the public more involved in the School District."

■ In the course of gathering information for this week's survey on local agencies and the amount of time they spent in closed sessions, members of the Bay Guardian task force were repeatedly subjected to delays and excuses as to why the most elementary of documents could not be produced. On several occasions, commission secretaries said that they "did not have the time" to pull the minutes of meetings, documents that should be provided to any member of the public upon demand.

Many of these refusals came despite prior phone calls and advance requests for the records.

In fact, on one occasion Public Utilities Commission Secretary Romaine Boldridge hung up the phone

on a Bay Guardian reporter requesting to see records. The records were made available only after the Bay Guardian made repeated calls to the PUC's legal advisors in the City Attorney's Office.

Deputy City Attorney Tom Berliner told the Bay Guardian Boldridge had told him that the records were simply filed "too far away" for her to retrieve them for a reporter.

■ In some cases, the minutes of local agencies did not contain any notations of meeting start or finish times, or of times spent in closed sessions.

The Port Commission, for example, was unable to provide complete minutes of meetings that would show the amount of time the agency spent in closed session. Those minutes had "been misplaced during a move," Elizabeth Day, commission secretary, told the Bay Guardian.

— Jim Balderston

duct closed sessions for specific, and very limited purposes. The first is widely called the "personnel" exemption, although the word does not actually appear in the act.

Under the personnel exemption, applicants for a government staff position or evaluations of present employees can be discussed in closed session, to protect the privacy of individuals who happen to be employed in government service.

The San Francisco Unified School District apparently violated that section when it voted in March 1987 to hire an independent contractor in closed session, because an independent contractor is not considered a staff employee under the Brown Act.

That particular incident involved the hiring of Jim Fite, the executive director of the White Lung Association, an asbestos consultant. The school board at the time was bitterly divided on Fite's hiring and apparently chose to meet in closed session to avoid public squabbling.

At the time, City Attorney Louise

Renne expressed little interest in the case, and told the Bay Guardian, "We'll just have to wait and see if the advice [given by her office] was right or wrong."

The second exemption under the Brown Act is known as the "litigation" exemption and allows governmental bodies to meet in closed session to discuss litigation involving the agency. The law also allows agencies to discuss "pending" litigation, if the agency's lawyers assert that there exists "a significant exposure to litigation against the local agency."

The litigation exemption is often cited as the most blatantly abused provision of the Brown Act, since nearly any topic a local agency discusses could potentially be tied to a future lawsuit. It is in this area that the spirit of the act — a propensity toward open government — is most often trampled upon.

The third exemption to open meetings allowed under the act is "property negotiations," in which the price and payment terms of a sale of public property are allowable topics for discussion

in closed session. All other discussion on the matter, however, must be held in public session.

The final exemption allows an agency's negotiating team to discuss employee negotiations with the agency in closed session. This is to allow the agency to advise its agent as to strategy without tipping its hand to its adversary during the negotiations.

Experts on the Brown Act say that the intent of the Legislature in passing the law was very clear. Despite the presence of exemptions, they say, the lawmakers intended to enforce the principle that the public's business should, in all but a tiny number of instances, be conducted in public.

Terry Francke, general counsel to the California Newspaper Publishers Association and an expert on the Brown Act, told the Bay Guardian that the state's courts have been very emphatic on that point. "The Supreme Court has ruled that the legislative intent of the act put the weight on the right to informa-

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The Bay Guardian Freedom of Information task force consisted of: Lucy Ackroyd, Jim Balderston, Laura W. Brill, Bruce B. Bruggmann, Bruce Crumley, Eileen Ecklund, Jean Field, Carolina Gonzales, Stephen Hufstader, Kim Irving, Craig McLaughlin, Anthony Palazzo Jr., Tim Redmond and Jane Sullivan.

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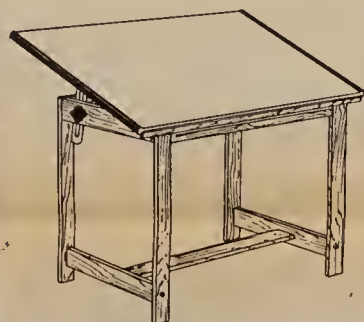
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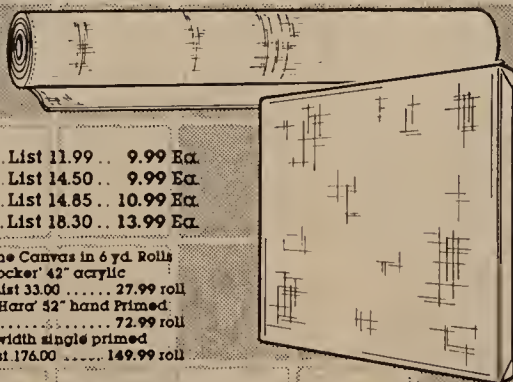
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THE OLLIE NORTH SECRECY IN GOVT AWARD

The first Ollie North Secrecy in Government Award goes to the San Francisco Public Utilities Commission, which conducted a four-year campaign to prevent public scrutiny of the 30-year contracts between the city, PG&E and the Modesto and Turlock irrigation districts.

The "Ollie" will be a regular and ongoing award presented by the Bay Guardian to agencies and government officials who exhibit the attitude that secrecy in government is, to quote Lieutenant Colonel North, "a neat idea."

Each recipient will receive a special copy of the Ralph M. Brown Open Meetings Act, autographed by reporter Jim Balderston.

Although there were numerous strong contestants for the inaugural award, the PUC was the clear winner because of its persistent battle to keep secret the negotiations, discus-



sions, approval process and records of contracts that will cost the city hundreds of millions of dollars.

Of special note: The PUC's effort to ram the contracts through in a special secret meeting at 8 am in a basement room at City Hall, without proper notice to the public or the press, and without copies of the contracts available until about a half hour before the meeting.

Secrecy

continued from page 7

tion," he said. "The court ruled that access to information is a fundamental and necessary right of every person in the state. That is fairly strong language." But public officials and agency staff in many cases view the law differently, Francke pointed out. "There is a gap between law and the people's perception of the law," he said. "Many of the custodians of the people's business do not admit or concede any right at all — much less a fundamental right — to look over their shoulders while doing the public's business."

Francke said that many public agencies act as if the public scrutiny is a nuisance. "The court's language is a far cry from the attitude [of many agencies] that access to information is a privilege."

IN SAN FRANCISCO, Brown Act violations and limited access to information continue to plague the public and the press.

The San Francisco Community College Board, a seven-member governing board of the city's community college system, spent more than half of its time in closed sessions during 1987. Of the 42 hours the board spent in meetings during the year, 24 hours — a whop-

ping 57.2 percent — were spent behind closed doors, away from the inquiring eyes of the public.

Board members routinely arrive for their 5:30 pm meetings and wait in the public chambers until enough members show up to reach a quorum. At that point, the board convenes its meeting and immediately adjourns into executive session. For the next 90 minutes, the board members enjoy a catered dinner and discuss district business. Community College Board member John Riordon told the Bay Guardian that the district has been doing its business this way "for 12 years."

Riordon said that "many good things come from the dinner meetings," and that the meals were "a tradition" with the board.

But others reacted more strongly to the board's extraordinary amount of time in closed session.

Marcia Rosen, an attorney with the San Francisco Lawyers Committee for Urban Affairs, called the 57 percent figure "astounding."

Rosen told the Bay Guardian that the Community College Board should justify its closed sessions. "The spirit of the law is that the public's business should be conducted in public — and these agencies should explain why they are in closed session for that amount of time," she said.

Francke noted that the length of the Community College Boards closed sessions might tempt the participants to

talk about subjects not covered by the exemptions in the Brown Act. "It's pretty clear, if you make a closed session the occasion for a meal, it will protract the time spent in closed session," he said.

The San Francisco Unified School District met in closed session 21 percent of its total time in meetings during 1987 and on at least three separate occasions appeared to do so in violation of the Brown Act.

The school board is a highly politicized legislative body, and in recent years it has often found itself split into two contentious factions. Board meetings have often been extremely heated, with members spending hours arguing back and forth on both major and minor issues.

Some major issues — ones that heighten the board's already strained relations — have been discussed in public. But others, most notably the March hiring of Jim Fite, were discussed and settled behind closed doors.

Fite's involvement with the schools asbestos abatement program, and his readiness to criticize school district officials and staff, divided the board bitterly. The debate over his hiring was instigated by Superintendent Ramon Cortines, who said he had called the closed session to avoid the ugly spectacle of board members attacking each other in public.

Fite's hiring, however, was an issue of considerable public concern. Many parents were emphatic backers of Fite and repeatedly asserted that they trusted him more than they trusted the district staff who were handling the asbestos crisis. The closed session discussion and vote left those parents unable to determine which of their elected board members had represented their interests, and which had not.

A similar, but more dramatic, situation occurred in 1985, when the Board of Supervisors met in closed session to discuss a set of "interim" contracts with PG&E and the Modesto and Turlock irrigation districts for the sale of the city's Hetch Hetchy power. During the closed session, documents later released show, the board received a confidential memo from the City Attorney's Office that indicated that the contracts were not, in fact, "interim" agreements at all but could force the city to sell its power at cheap rates for another 30 years.

But the public never knew that fact, and when the board voted to approve the interim pacts, the issue drew little interest and created no controversy.

Supervisor Richard Hongisto, an opponent of the contracts, now says the closed session was a mistake. "In retrospect," he told the Bay Guardian, "we should never have done that in closed session. If that had been discussed in public, we might have wound

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Behind closed doors: SF agencies' dismal record of secret meetings in 1987

Agency	Total meeting time (hours)	Open meeting time	Closed meeting time	Percentage closed
Community College Board	42.3	18.1	24.2	57.2
School Board	105.5	82.5	23	21.8
Public Utilities Commission	49.7	39.5	10.2	20.5
Board of Supervisors*	120.6	109.8	10.85	8.9

*Based on minutes of Jan. 5, 1987 through Sept. 21, 1987. Later minutes not available.

This chart shows how much time major agencies in San Francisco spent behind closed doors during 1987. On the average, the agencies spend more than 20 percent of their time in closed session — far more than many experts on open meetings laws say is appropriate. The secrecy champion is the Community College Board. Although the Board of Supervisors oversees a far larger budget, many more employees and at least as much potential litigation, the Community College Board met in closed session six times as often as the Board of Supervisors.

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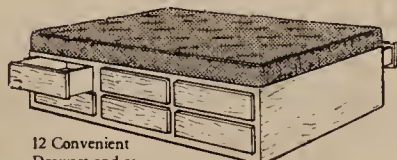
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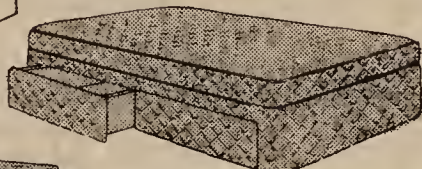


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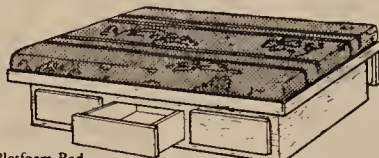
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Twelve tips for secrecy busters

A citizens' guide to fighting for open meetings and public records

By Bruce B. Bruggmann

BETWEEN THE Ralph M. Brown Act, the California Public Records Act and other specific provisions of California law, just about every policy-making government body in California is subject to statutes that require it to make certain records available to the public and to hold open meetings that have been effectively announced beforehand.

Reporters often take advantage of these laws to gather the news, but the laws are not just for the press. In fact, the primary thrust of the laws is to ensure that all citizens are fully aware of workings of government. Unfortunately, many members of the public — and many members of the Forth Estate — don't fully understand their rights under California's open government laws. If you decide to request a government document or force a local agency to meet in the open, here are a dozen tips to keep in mind:

1. Get the *Reporter's Handbook on Media Law*, published by the California Newspaper Publishers Association. It is the closest thing to a bible to determining your rights to get information at a public meeting or through public records, and is the source of some of the other tips listed here. (CNPA, 1127 11th St., suite 1040, Sacramento 95814. \$15.)

2. Public meetings must be truly public, without any barriers to attendance. You have the right to refuse to pay any attendance fee and to insist that a properly noticed public meeting not be conducted in a facility that excludes anyone on the basis of race, creed, color, national origin, ancestry or sex. You cannot be required to sign any attendance sheet.

3. Local boards and commissions may meet in closed session only for very specific reasons. Before a closed session, the body must provide a written statement of the general reason for the closed session. If the meeting is closed to discuss employment matters, the body must by the next public meeting supply a statement of action taken on that matter, together with the roll call vote taken, if any.

4. You have the right to inspect all copies of meeting agendas and background materials distributed to members of a legislative body. You also have the right to obtain copies of those documents. You may be required to pay the direct cost of duplication, although you can request that this charge be waived.

5. A legislative body must include as part of any regular meeting a time for public testimony on any topic under the jurisdiction of the body. However, except for emergencies and other rarely applicable exceptions, the body cannot act on any items that are not on the agenda.

6. Under provisions of the Brown Act, you may ask that a legislative body supply all members with a copy of the act so that they fully understand their responsibilities. Or you can go even further and request that the body impose on itself rules providing greater access to meeting than strictly required by the "minimal standards" of the Brown Act (see editorial, page 11).

7. If you believe the Brown Act has

been violated, there are several steps you can take. One option is to file a complaint with the local district attorney alleging that one or more members of a body have committed a misdemeanor by attending a meeting where action was taken in violation of the Brown Act. "Action taken" includes not only a formal vote but any collective decision, commitment or promise to make a decision. You can also seek relief in Superior Court, enjoining the legislative body from violating the act, mandating the body to comply with the act or simply declaring that the body has violated the act. Under a recent amendment, a person can ultimately seek court action to declare null and void any action taken in violation of the Brown Act.

8. Use demand letters to get public documents and access to secret meetings (samples are contained in the *Reporters Handbook*). Send copies to all members of the agency and the agency's legal advisor and indicate that you are also sending copies to local freedom of information groups (see Resource Guide, page 21). FOI groups will be interested in your request and may be able to help. Sending them copies may help convince the agency you mean business.

9. When in doubt, act on the assumption that the meeting you want to attend ought to be open or that the material you seek ought to be available to the public. If the agency argues otherwise, demand specific legal citations under which it is claiming an exemption. Even if the law seems to be technically against you, apply public pressure and argue that the agency is violating the spirit of the access laws. For example, by applying continuous pressure for months, the Bay Guardian and the local chapter of the Society of Professional Journalists, Sigma Delta Chi convinced the San Francisco Board of Supervisors, the mayor and the Public Utilities Commission to waive attorney-client privilege and release 18 linear feet of secret records in the PG&E contracts case.

10. Push a government body or agency to investigate a matter, then demand to see the investigative files, which ought to be public. For example, the Bay Guardian was able to obtain the records of a San Francisco State University president's investigation of *feed/back*, published by the school's journalism department.

11. Keep pushing. Don't be intimidated by officials who tell you a meeting or document is secret or ask why you want access. If the meeting or record is public, you don't need a reason. If you run into a stone wall, contact your local media or appropriate public officials for assistance, or consult our resource guide for more places to turn for help. If, as a last resort, you have to sue to get access, the FOI groups can come in handy for support, money or legal help.

12. Follow reports in the Bay Guardian on access and, in particular, on the emerging California First Amendment Coalition, which has been founded for the specific purpose of helping provide the public and the press with legal help in gaining public access on the tough issues — and keeping the public's business public. ■



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Funding for this message provided by the San Francisco Department of Public Health

Needed: A San Francisco sunshine law

DURING THE 1981 campaign for city attorney, challenger Joe Hughes asked incumbent George Agnost at a neighborhood candidates night whether he would make available for public inspection all records in the City Attorney's Office pertaining to the Raker Act and the municipalization of PG&E. "I told him that I wouldn't really mind if I lost the race, as long as I could see those files," Hughes recalled recently. "He told me to come by the day after the election, and he'd be glad to show them to me."

Hughes did indeed lose the race, and a few days after the election, Hughes showed up at Agnost's office door, asking to see the records. "He just laughed in my face," Hughes said. "He said he was only kidding, and he had no intention of showing me the files."

Agnost's post-election comment to Hughes was unusually blunt, but his attitude towards public records was not unusual at all. Secrecy was the watchword at City Hall in 1981 — with Agnost as city attorney and Dianne Feinstein as mayor, the public's business was routinely done behind closed doors.

Agnost died in 1985, and Louise Renne moved into the City Attorney's Office. Feinstein's tenure ended this year, and Art Agnos took over her job. Both have repeatedly promised to make city government more open and accessible, and in fact, Renne has (after repeated Bay Guardian requests) finally agreed to release the PG&E materials Agnost denied to Hughes. But overall, little has changed. In San Francisco City Hall these days, any citizen who seeks access to records or tries to attend meetings on a regular basis is almost certain to run into a stone wall somewhere along the line. In many cases the stone walls are illegal — the Ralph M. Brown Act and the California Public Records Act require local governments in this state to do the majority of their business in public. But the laws have a few loopholes — and for citizen activists and journalists, are often difficult to enforce.

The problem is serious, and prospects for relief at the state level are dim. Freedom of information advocates have fought long, uphill battles to convince the state legislature to fix even the most glaring loopholes in the public access laws, and the courts have been little or no help.

There is, however, another alternative. Nothing in state law prohibits a city from adopting its own "government in the sunshine" laws. The state statutes set minimum standards for open government, but local agencies are free to do better. If citizen activists and press groups take the lead, San Francisco could become the first major city in California to take such a step.

OPEN GOVERNMENT is more than an abstract, civics textbook goal. It's absolutely crucial to preventing constant, widespread abuses.

How could San Francisco go into the PG&E and the Turlock and Modes-to irrigation district contract negotiations holding all the aces — and walk out broke and in debt?

Secrecy. How could Feinstein take personal charge when the negotiations reached an impasse, then cave in on point after point, in spectacular fashion, at a cost of tens of millions of dollars, and waltz out proclaiming victory?

Secrecy. How could the Board of Supervisors approve an "interim" contract pact in 1985 that the City Attorney's Office later said was essentially binding for 30 years?

Secrecy. How could the San Francisco school board try to fire the asbestos consultant who had dared warn of serious hazards to students, faculty and staff?

Secrecy. The list is endless, but the point is simple: Decisions made behind a veil of secrecy are far more likely to reflect poor judgment, corrupt political influence or callous indifference to the public interest.

Unfortunately, as our story on page 7 shows, major local boards and commissions spend an unjustifiable and outrageous amount of their time — 20 percent on average — meeting behind closed doors.

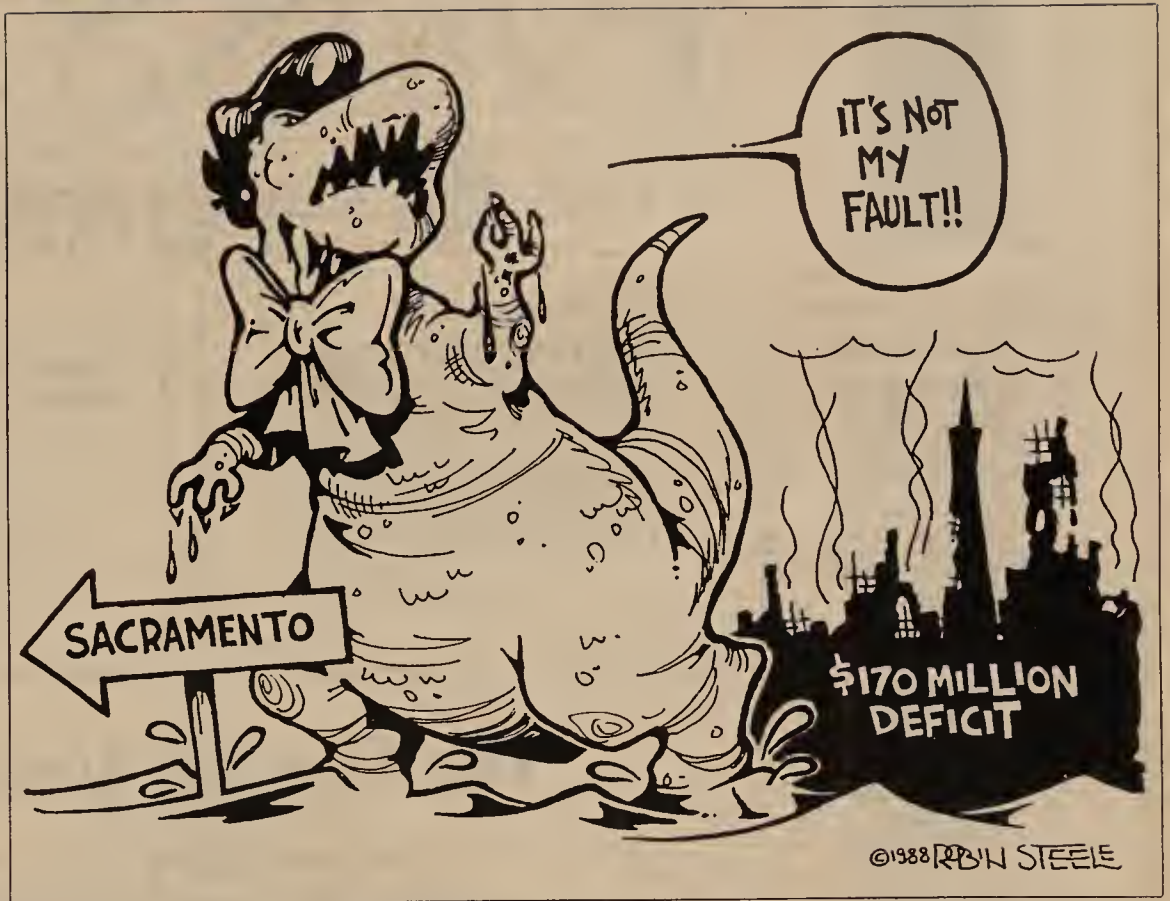
Every effort to force city officials out from behind closed doors involves a long, complex and time-consuming struggle — the City Attorney's Office repeatedly insists that almost any type of closed meeting is acceptable for almost any reason, and almost any document can be marked "confidential" to keep it away from the prying eyes of the citizens.

For citizen activists and smaller newspapers, fighting for access to meetings or records takes precious time — and in many cases, requires expensive litigation. In the vast majority of cases, the forces of secrecy carry the day.

TERRY FRANCKE, legal counsel to the California Newspaper Publishers Association and an expert on public access laws, has an interesting suggestion. The Brown Act and the Public Records Act, he notes, specifically grant local agencies the right to enact policies, laws and regulations that give the public increased access to open government. The Brown Act, he notes, allows local agencies to meet under certain circumstances in closed session — but nowhere does the act require secret meetings.

San Francisco, in other words, could legally adopt its own "sunshine" ordinance, one tailored to the specific problems of San Francisco, one based on the premise that, as a matter of policy, San Franciscans should have access to everything their government does except in very limited — and carefully delineated — circumstances. The law could establish a public access commission to hold hearings and provide a forum for citizens to appeal for access to a meeting or record that city officials are keeping secret. It could set penalties for violations and establish local enforcement and oversight authority. It could plug the existing loopholes and clarify the muddy language in the Brown Act and Public Records Act. In short, it could make San Francisco a model for the state.

Drafting such a law would not be easy, and would require input from a broad range of individuals and groups. The local news media and press organizations should take the lead, by publicizing the problem, suggesting solutions and looking for opportunities to bring together the coalition that could write, promote and work for the passage of the first comprehensive local sunshine ordinance in California. ■



POLITICAL ALERTS

Of court elections and campaign contributions

What? A municipal court election? Officially, municipal court judges are elected to office every six years, but you rarely see their names on the ballot. They usually resign mid-term, and the governor appoints replacements. And while about 15 municipal judges are up for re-election every two years, challenges occur only once every four years or so and are almost never successful. The last successful challenge took place in 1974 when Bernard Glickfeld was defeated after telling a sexual assault victim she had brought the rape on herself by dressing provocatively. In 1984, tenant lawyer Jonathan McCurdy challenged Judge Al Wollenberg but failed to unseat him.

This June, however, Judge Douglas Munson will face a challenge from moderate gay Democratic attorney Dave Wharton, who ran unsuccessfully for supervisor in 1982 and 1984. Wharton told the Bay Guardian he thinks he can win, despite the historic odds, by contrasting his community activities with those of Munson, whom he called "a Republican appointee with no community involvement." Munson told the Bay Guardian he was surprised by Wharton's challenge and was beginning to put together a campaign organization. Munson said he would run on his "20 years of dedicated public service as an attorney and a judge."

Wharton said his decision to run has upset members of the judiciary who approached him to ask him to reconsider because they feared his campaign would lead to more challenges. "There's concern among the judges that I'll upset the apple cart," he said.

Humble hyperbole: Senator Pete Wilson proudly told the State GOP Convention last month that he holds a 6-to-1 financial advantage over Lieutenant Governor Leo McCarthy, his major Democratic opponent in this year's election. "I am very pleased," Wilson

said humbly, "to see that Californians are so supportive of my work in office." Actually, only part of Wilson's bulging war chest is from "the people of California." Incumbents like Wilson raise funds on a national level — and not just from individuals. A Feb. 7th report by Common Cause shows approximately one-sixth of the more than \$6 million Wilson raised in his five years in office came from political action committees. In fact, among senators up for re-election this fall, Wilson is second only to Lloyd Bentsen (D-Texas) in total PAC receipts for 1983 through 1987. Info.: (202) 833-1200 (Common Cause).

Bashing Burger King: Poor Burger King can't win for losing. The fast-food giant has lately been under attack from all sides — and rightly so. First it was growing beef in Latin American rain forests, then chlorofluorocarbons in styrofoam packaging destroying the ozone. Now, Greenpeace is calling on restaurant chains to stop buying Icelandic fish because that country slaughters whales under the pretense of conducting "scientific research" — and guess where Burger King gets the fish for its fish sandwich. Now we know why they call it the Whaler. Info.: (202) 462-1177 (Greenpeace).

There is a limit: When Israel invaded Lebanon in 1982, Israeli peace activists formed Yesh Gvul in an effort to provide moral, legal and political support to the 4,000 Israeli soldiers who asked not to serve in Lebanon, and the 180 who served jail terms for refusing to go.

With the recent escalation of violence in the occupied territories, Yesh Gvul — which means "there is a border" or "there is a limit" — has become active once again. In the past few weeks, the group has been circulating a petition throughout Israel opposing the occupation of the West Bank and Gaza Strip and the repression of the Palestinian uprising in those regions.

In the first week, 200 soldiers signed the petition. Meanwhile, Friends of Yesh Gvul is gathering signatures and hoping to raise money in the United States to support the Israeli movement. For more information, contact Friends of Yesh Gvul, 1636 Martin Luther King Jr. Way, Apt. G, Berk. 94709, 848-9391.

Short takes: Thursday/10 — Gordon Hirabayashi, who resisted internment during World War II, speaks on "The Japanese Removal Cases: Then and Now." 1 pm, SFSU, Student Union Alumni Room. 1600 Holloway, SF. Free. Info.: 338-1604. . . . SFSU's La Raza Studies Department kicks off a two-day symposium featuring 25 speakers on various issues affecting Central American immigrants and refugees (also Friday/11). 9 am-5 pm, SFSU, 1600 Holloway, Student Union Barbary Coast Room, SF. Info.: 338-2419. . . . **Friday/11** — Labor Archives opens its two-day conference on working women in the 1940s. 7:30 pm, ILWU Local 34, 4 Berry, SF. Free. Reservations required. Info.: 564-4010. (See also Saturday/12.) . . . **Saturday/12** — "California Working Women in the Decade of the Forties" continues with a day of speakers and panelists (see Friday/11). 9 am-4 pm, Labor Archives, 480 Winston, SF. Reservations required. Info.: 564-4010. . . . Alameda County Supervisor John George hosts a forum on the future of the East Bay Shoreline. 9 am-4 pm, Berkeley Yacht Club, 1 Seawall at University, Berk. \$10. Info.: 272-6695. . . . Congresswoman Nancy Pelosi swings through the 5th District

continued page 20

Political announcements, inside information, legislative alerts and other items concerning the electoral and cultural machinations of power may be sent to: Political Alerts, San Francisco Bay Guardian, 2700 19th St., SF 94110. Be sure to include a daytime phone number where you can be reached. For dated material, please give us a 14-day lead time prior to the event.



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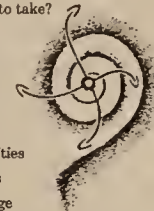
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Piercing the veil of secrecy on the PG&E documents — a chronology

Last Dec. 16th, Walter O'Donnell called from a pay phone in City Hall with a timely tip: The PUC was planning to meet at 8 am in an obscure room in the basement of City Hall to push through approval of the city power sale contracts with PG&E and the Turlock and Modesto irrigation districts. The Bay Guardian immediately requested copies of the contracts in a letter to the mayor, the PUC and the city attorney, but was told they were not available. Eventually, the extremely complex documents were released to the public exactly one-half hour before the meeting.

After Bay Guardian Editor and Publisher Bruce B. Brugmann argued the meeting was not properly noticed under the Ralph M. Brown Act, the meeting was postponed for four days. The Bay Guardian began showing the documents to experts but most of them said they would need to see the background documents and working papers to determine whether the contracts were indeed a good deal for the city.

So, on Dec. 18th, the Bay Guardian sent a public records request to Mayor Dianne Feinstein, PUC General Manager Don Birrer and two deputy city attorneys, Tom Berliner and Len Snaider, re-

questing all existing contracts between the city and PG&E and the districts, as well as "all background figures, formulas and worksheets used in deriving the supplemental or firming service fees as outlined in the proposed contract."

Berliner responded by saying the request was "vague, uncertain and overly broad" and that the documents requested were protected by attorney-client privilege.

On Dec. 30th, the Bay Guardian requested the salary information on Mike McGill, the executive director of SPUR whom Feinstein hired to assist with the last stages of the negotiations. The mayor provided that information Jan. 4th.

That same day, the Bay Guardian put in another request for all background information on Hetch Hetchy and the proposed power sale contracts. The City Attorney's Office responded that it would comply with the request, but supplied only a few documents, most of which were dated. That pattern continued through several more requests — two on Jan. 11th and one each on Feb. 8th and 9th. Each time the city complied, but only in part. The City Attorney's Office would release a few inches of minor memos from the contract discussion or boxes of mostly dated files



The fruits of victory: The Bay Guardian's PG&E Task Force plows through 18 linear feet of records released by the PUC. Left to right, Bruce B. Brugmann, Tim Redmond, Elizabeth Schwarte, Craig McLaughlin and Jim Balderston. Not Pictured: Lucy Ackroyd, Laura W. Brill, Brad Carn, Jean Field, Carolina Gonzales, Stephen Hufstader, Kim Irving and Jane Sullivan.

regarding Hetch Hetchy and the Raker Act. But the city continued to withhold all but a few memoranda and working papers regarding the negotiations with PG&E and the districts.

The major breakthrough came when the Bay Guardian decided that rather than argue with the possibly illegal claim of attorney-client privilege, it would ask the city agencies involved to waive that privilege. On Feb. 4th, it sent a letter to Board President Nancy Walker requesting a waiver. Walker never responded directly to the let-

ter, but on Feb. 8th, the board voted unanimously to authorize the city attorney to release documents under its control, although that amounted to just two confidential memos.

Then, on Feb. 10th, the Bay Guardian hand-delivered a letter to Mayor Art Agnos asking him to also waive attorney-client privilege. Agnos said, "We don't have any records." Several City hall officials said former Mayor Dianne Feinstein had removed boxes of files when she left, but Agnos refused to investigate the apparent disap-

pearance of key city documents.

Finally, on Feb. 24th, after the board had voted to approve the Turlock and Modesto contracts, the PUC voted in closed session to release the documents under its jurisdiction, amounting to 18 linear feet of memoranda, studies, notes and contract drafts. The documents that could not be released except by the PUC included internal documents from the Mayor's Office, but Agnos has yet to say whether he will investigate why the documents are not in his office files.

— Craig McLaughlin

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Carol Erickson, LCSW, MFCC, is director of the Erickson Institute. She has a life-long experience in the fields of hypnosis and therapy dating from her childhood as eldest daughter of Milton Erickson, M.D. Currently she presents a variety of seminars and lectures on these internationally acclaimed methods.

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First Amendment issues: An update

Good news in the fight against hospital district secrecy, and a strange twist in the Hallissy shield law case

By Craig McLaughlin

LAWS THAT guarantee public access to government meetings and records and protect journalists in their efforts to gather the news are constantly under attack. Sometimes, First Amendment rights appear to conflict with other constitutional protections, but more often, government agencies and politicians attempt to shield themselves from the "bother" of public scrutiny.

It is difficult to guess from year to year where the next attack will come from, but this year California judges and lawmakers must continue to grapple with at least three such challenges that are carry-overs from 1987. The three include court challenges to the secret meetings of private corporations that operate public hospitals, the "shield law" case involving reporter Erin Hallissy and the possible revival of the Legislature's efforts to close the records of state investigations into political corruption.

Here is a summary of where each of those cases stand:

■ In the past few years, several local hospital districts have transferred their operations to nonprofit corporations in an effort to remain competitive with private hospitals. The districts themselves are required to comply with all the open meeting provisions of the Ralph M. Brown Act, but as a rule, the nonprofit corporations have argued that they are exempt from the act.

That argument was dealt a stunning blow Feb. 23rd, when the Fourth District Court of Appeal issued its decision in a case involving the Desert Hospital District in Palm Springs. The district had turned over operation of Desert Hospital to Desert Health Systems, Inc., and a local taxpayers association called Citizens for Public Accountability sued Desert Health Systems, arguing that the corporation, which was holding closed meetings, was subject to the provisions of the Brown Act.

The court ruled that "there has been a delegation of authority by [the district] to the boards of directors of [Desert Health Systems] with the result that those boards are 'legislative bodies' of the District. As such they are required by section 54953 of the Government Code to conduct their meetings in public."

The ruling directly contradicts the ruling in an almost identical case involving the Marin County Hospital District, which has turned over the operation of Marin General Hospital to a private corporation. Sandra and Norwin Yoffie sued the district in 1985, claiming the transfer violated the Brown Act. The First District Court of Appeal in San Francisco upheld a Marin County Superior Court decision in favor of the district, and last Oct. 1st, the California Supreme Court refused to hear an appeal of the case.

The two decisions hinge on the interpretation of two sections of the California Government Code — Brown

Act provisions and amendments to the California Health and Safety Code that were intended to make district hospitals more competitive with private hospitals. The districts argue that open meetings make it hard to enter into business agreements with private companies and leave them at a competitive disadvantage with private hospitals that can plan strategy in secret.

In the Marin case, the court ruled that the Legislature intended that the Health and Safety Code changes would exempt the nonprofit corporations from the Brown Act. However, in the Desert Hospital case the court called the Marin decision "illogical" and opined, "there can be no repeals or exceptions to the Brown Act by implication."

Unless overturned, the Desert Hospital Systems decision will have the force of law in the Fourth District in Southern California, but it will have no influence over other parts of the state. However, one of Desert Health Systems' attorneys, Mark Hudak of the Burlingame law firm of Carr, McClellan, Ingersoll, Thompson & Horn, told the Bay Guardian the corporation will file a petition for review before the state Supreme Court within the month.

Norwin Yoffie told the Bay Guardian, "California now has one law for Southern California and another for Northern California. Assuming that the case goes to the Supreme Court and the court decides in the way that we would prefer, then that would become law in the state and would apply accordingly."

■ Meanwhile, the First District Court of Appeal is trying to sort out a bizarre twist in the shield law case involving Contra Costa Times reporter Erin Hallissy, who has been found in contempt of court for refusing to testify about unpublished notes of an interview with accused killer John Sapp.

Jack Rausch, Sapp's attorney, subpoenaed Hallissy in an attempt to demonstrate that Sapp's confessions to police were unreliable by showing that Sapp had confessed in the interview to crimes he reportedly could not have committed. But Hallissy refused to testify, claiming protection under the "shield law," a provision of the California Constitution that prevents the courts from compelling reporters to testify about unpublished notes and confidential sources.

Mount Diablo Municipal Court Judge Mark Simons quashed the subpoena, but Contra Costa County Superior Court Judge Norman Spellberg overruled Simon. He ordered the preliminary hearings reopened and Simon was forced to find Hallissy in contempt and order her to jail when she refused to testify.

The state Supreme Court stayed her sentence and ordered the Court of Appeal to review the case.

But when attorneys for both sides presented oral argument Feb. 23rd, they were startled to hear that the Appeals Court thought the Municipal

Court that cited Hallissy for contempt might not have had jurisdiction over the case because Spellberg did not have authority to reopen the preliminary hearings. Lucy Ablan, an attorney with the Oakland firm Crosby, Heafey Roach & May, representing Hallissy, told the Bay Guardian that within 90 days the Court of Appeal must rule in favor of either side or decide Simons did not have jurisdiction.

If the court decides only on the jurisdiction issue, she said, Spellberg must then decide if Simons erred in quashing the Hallissy subpoena and if so, the charges against Sapp must be dismissed. The charges would then be refiled and the whole case would begin again, she said.

■ In Sacramento, journalism and freedom of information groups are watching for the possible resurgence of AB 2203, a bill that would close the investigative files of the state's political watchdog, the Fair Political Practices Commission. The bill appeared suddenly last year after the San Jose Mercury News requested the FPPC's files on its investigation of Assemblyman Frank Vicencia (D-Bellflower), an ally of Assembly Speaker Willie Brown Jr. The bill enjoyed the support of leaders from both parties in both sides of the Legislature, and was sponsored by another Brown lieutenant, Assemblyman Elihu Harris (D-Oakland).

The bill was defeated once in committee and in August, after a Sacramento Superior Court Judge gave the Mercury News access to the Vicencia files, which showed that a Brown aide had meddled in the investigation, Harris said "it would be unwise to continue to seek passage" of the bill.

But AB 2203 is still technically alive as a "two-year bill" that could be revived at any time. John Waldie, a legislative assistant in Harris's Sacramento office, told the Bay Guardian that there is "no chance" that AB 2203 will be brought up again, but some observers are wary, nonetheless.

Michael Dorais, general counsel and general manager of the California Newspaper Publishers Association, which opposes the bill, told the Bay Guardian AB 2203 is still that group's top legislative issue. "This is a bill that could come up in the last 24 hours of the last session," he said.

■ In a recent development in one of last year's top freedom of information issues, attorney Arnie Braafladt has donated \$3,000 from his share of attorney fees for representing Humboldt State's student newspaper, The Lumberjack, in its suit against a California State University policy that student newspapers could not publish unsigned political endorsements. Braafladt could not be reached for comment, but according to the Feb. 13th *Editor and Publisher*, he will donate \$2,000 to the Press Freedom Fund, which he helped found, and \$500 to the Washington D.C.-based Student Press Law Center. He will use another \$500 to purchase media law materials for CSU's student editors. ■

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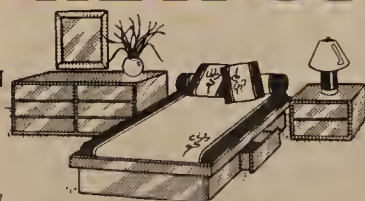
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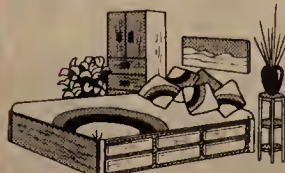
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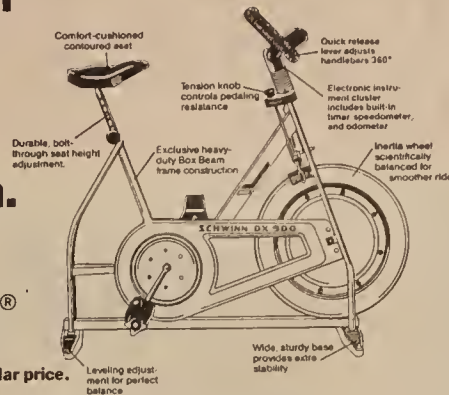
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Secrecy

continued from page 9

up in far better shape instead of approving contracts that are a disaster for the city."

LOCAL OFFICIALS with agencies surveyed by the Bay Guardian expressed surprise at the frequency with which they themselves attend closed sessions. Riordan told the Bay Guardian he estimated that the Community College Board met in closed session "35 to 40" percent of the time. When he was informed that the true figure for 1987 was 57.2 percent, Riordan responded, "That's kind of high."

Community College District Chancellor Hilary Hsu was not available for comment by Bay Guardian press time but his assistant, Steve Klot, told the Bay Guardian that he had "no comment" on the figure.

San Francisco school board member Myra Kopf also underestimated her board's time in executive session. "I think it is about an hour per month," she told the Bay Guardian. When informed that it was nearly twice that amount, Kopf replied, "I don't think that is true."

School board member Libby Denebiem told the Bay Guardian that the board spent too much time in closed session. "I'd like to see us meet in closed session only when necessary," she said. "If we did our homework we could be out of closed session in 15 minutes in many cases."

Denebiem also noted that the sessions are scheduled regardless of need. "We really need to be more efficient," she said. "As it is now, the closed sessions are scheduled whether we need them or not."

Hongisto said he found it surprising that the supervisors spent almost 9 percent of their time in closed session. "I would have thought it was about 5 percent or less," he said.

Hongisto said, however, that he thinks the supervisors spend too much time in secret session. "We've begun to discuss some budgetary issues in closed session," he explained. "We start off talking about our memorandum of understanding with the unions, and that's okay, but before long, the subject matter has become the entire budget, and that shouldn't be discussed in a closed meeting. It's hard to keep the conversation on one strict point."

ENFORCING THE Brown Act is not easy. The act provides criminal penalties for officials who knowingly violate it, but prosecutions are somewhere between rare and nonexistent. To date, for example, the San Francisco District Attorney's Office has never investigated or prosecuted a single Brown Act violation in San Francisco.

Francke noted that since the law is privately enforceable — meaning a

continued page 20

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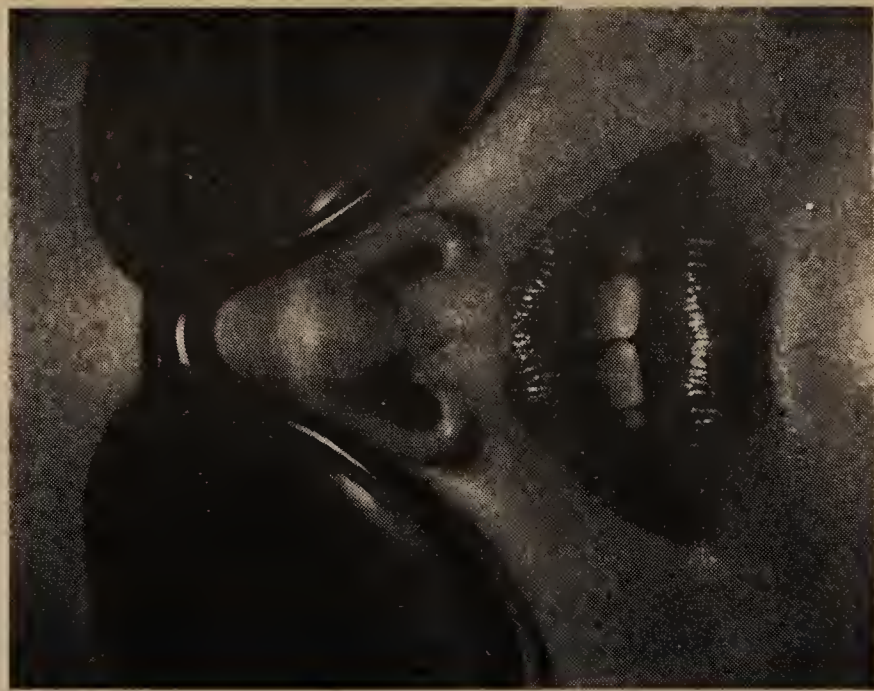
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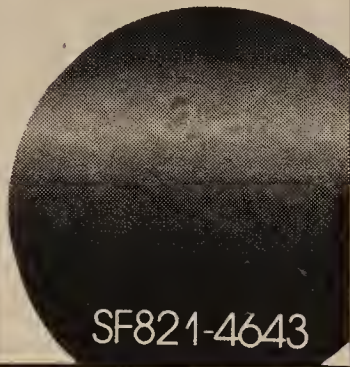
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Political alerts

continued from page 11

to meet with constituents and brief them on issues before Congress. 10 am, Bayview Hunters Point Multipurpose Senior Services, 1706 Yosemite; noon, Visitation Valley Senior Escort Service Center, 590 Leland; 2:30 pm, Oceanview Recreation Center, Capital at Montana. Info.: 556-4862. . . . Palestinian Rashid Khalidi and Israeli Yossi Amitai challenge U.S. foreign policy in the Middle East. 7:30 pm, New College Annex, 777 Valencia, SF. \$3-\$5. Info.: 752-7766. . . . **Sunday/13** — A screening of the recent documentary *Under the Gun: Democracy in Guatemala* precedes a talk by Beatriz Manz, Chilean anthropologist and author. 7 pm, Women's Building, 3543 18th St., SF. \$5. Info.: 835-0810. . . . Political Rights Defense Fund rallies to protest FBI harassment of government opponents. 7 pm, ILWU Local 34, 4 Berry, SF. Info.: 282-6255. . . . **Monday/14** — Roberta Achtenberg raises funds for her 16th District Assembly race, with music and entertainment. 5:30-7:30 pm, War Memorial, Green Room, 401 Van Ness, SF. \$125. Info.:

921-4469. . . . **Tuesday/15** — Center for Investigative Reporting journalist Eve Pell discusses "Government Secrecy and Freedom of Information." Noon-1 pm, City College, Conlan Hall, room 101, 50 Phelan, SF. Free. Info.: 239-3446. . . . Patricia Ellsberg, board member of the World Policy Institute, addresses "The Greening of Foreign Policy" at a benefit for Northern California Greens organizations. 7:30 pm, UC at Berkeley, 155 Dwinelle, Berk. \$3-\$10. Info.: 849-3616. . . . **Wednesday/16** — Winning Democracy Campaign protests human rights violations in El Salvador with a march from Union Square to the Salvadoran Consulate, 870 Market. 5 pm, Union Square, Powell at Geary, SF. Info.: 648-8222.

— Edited by Craig McLaughlin, with assistance from Laura W. Brill

ings, limited most of its closed sessions to less than 20 minutes and frequently met in closed session for as little as 5 minutes during 1987.

Francke noted, "Ten or 15 minutes is enough time for an agency to be brought up to speed on a lawsuit or the status of negotiations."

When asked if he would propose to limit the Community College District's closed sessions, Riordon said, "I have never thought about it before." He did say he would consider raising the matter, but when asked if he would move to abolish the dinners, he said, "That's a heavy price to pay."

But he did acknowledge that 57 percent was a high figure and that it raised a "valid point."

"Valid points" aside, this year's survey of public agencies once again reinforces the issue of secrecy in government is still alive and well in San Francisco.

Whenever local agencies decide that issues are too hot to handle in public, they seem able to find a opinion from their attorneys that will give them an excuse to close the doors to the public.

State Senator Quentin Kopp, a former San Francisco supervisor, said that during his tenure at City Hall, the supervisors met far too often behind closed doors. "I think about 40 percent of the time we spent in closed session was unjustified," he said. "When I felt the discussion was not appropriate, and an attorney would tell the board it was, in those instances I simply left."

Kopp's willingness to protest closed sessions is unusual. School board member Myra Kopf last year announced she would not attend closed sessions unless she was certain they were justified, but no other city officials have thus far followed suit.

In fact, many city officials seem to prefer meeting in secret, where they can make policy decisions away from the scrutiny of the press and the public. That's what the Brown Act was meant to prevent. Based on the Bay Guardian's survey of local agencies, boards and commissions, the letter and the spirit of the law are constantly being violated — and the situation is getting worse every day.

Secrecy

continued from page 18

citizen who feels wronged by an agency's action can sue for relief in civil court — it may take an enraged member of the public to force punishment on an offending agency.

"Laws that permit private party enforcement mean that someone's ox has to be gored sufficiently for him to take action," Francke noted.

But Francke said that action could be taken by members of legislative bodies to limit abuses of the Brown Act. For example, he said, agencies can start by limiting the time assigned to closed sessions. "Keeping times to a minimum is a good idea," Francke said.

It's not impossible, either. The San Francisco Fire Commission, for example, spent only 5.7 percent of its time in closed session during 1987, and the Planning Commission held no closed sessions at all. Both agencies have considerable potential litigation to worry about, and have large and — in the case of the Fire Commission — politically active and controversial work forces.

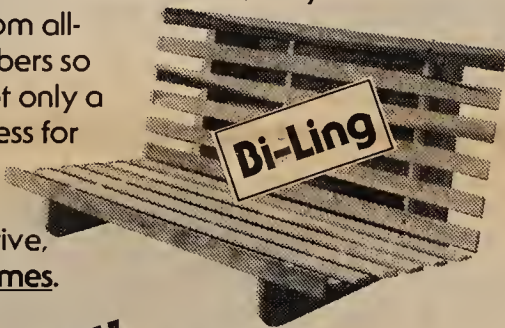
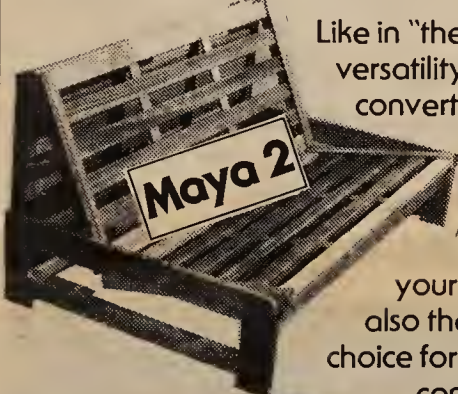
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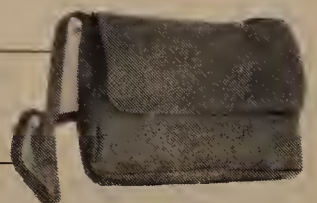


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Superlist N^o 378 An FOI resource guide

March 16th, 1988, has been declared Freedom of Information Day to commemorate the birthdate of James Madison, an early advocate for the citizen's right to government information. With so much going on behind closed doors on Capitol Hill and in City Hall lately, it's important to remind everyone, particularly government officials, of the importance of public access and public accountability. And it's especially important to remind those same bureaucrats and politicians of the 1966 Freedom of Information Act, which gives any citizen the right to request any document, file or other record in possession of any federal agency. That request must be granted unless one of nine specific exemptions apply.

Aside from voting, the FOIA may be the most important tool citizens can use to hold government officials accountable for their actions. That's why we've assembled this list of all-important addresses, hotlines and publications geared to help anyone in their search for information.

Recent revelations of FBI surveillance of opponents of President Reagan's policies in Central America demonstrated once again how citizens can use the FOIA to promote government accountability and protect political freedom. Other examples of documents secured under the FOIA include the Nuclear Regulatory Commission reports on nuclear power plant safety, civil rights compliance documents, suppressed evidence of the 1942 internment of Japanese-Americans, files on political intelligence programs conducted by the FBI and the IRS and reports on treatment of prisoners of war in Vietnam.

If you want to find out what the government knows about you, write to the following addresses and ask for your files:

- FOIA Office, Social Security Administration, 4-J-9 High Rise West, 6401 Security Blvd., Baltimore, MD 21235.
- FOIA Officer, Food and Drug Administration, Public Records and Documents Center, 5600 Fishers Lane, Rockville, MD 20857.
- Director, Disclosure Operations Division, Internal Revenue Service, PO Box 388, c/o Ben Franklin Station, Washington, DC 20044.
- FOIA Officer, FOI/PA Section, Records Management Division, FBI Headquarters, 10th and Pennsylvania avenues, NW, Washington, DC 20535.
- FOIA Officer, Central Intelligence Agency, Washington, DC 20505.
- Director, Freedom of Information and Security Review Office of the Assistant Secretary of Defense, room 2C757, Pentagon, Washington, DC 20301-1400.
- Information and Privacy Coordinator, Foreign Affairs Information, Management Center, room 1239, Department of State, Washington, DC 20520.
- Director, Office of Administration, FOIA, U.S. Nuclear Regulatory Commission, Washington, DC 20555.
- FOIA Request, Dept of Agriculture, 14th St. and Independence Ave., SW, Washington, DC 20250.

For local addresses of U.S. government agencies, call the federal information number in the phone book. Other agencies are listed in *The U.S. Government Manual* at your local library.

Although the exemptions and the amount of time each step may take are carefully spelled out in the act, many federal agencies employ myriad bureaucratic tactics to avoid complying. Evasions include delaying responses to requests and misleading citizens about the background data they need to provide. If you believe an agency is not handling your request properly, report the problem to Federal Watch, an oversight program run by Congressman Glenn English, Senator Patrick Leahy and the Society for Professional Journalists, Sigma Delta Chi. For more information, contact Robert Gellman, (202) 225-3741.

Publications and other resources

Access Reports/FOI Biweekly newsletter published by the Washington Monitor.

Focuses on legislation and court cases. Provides index of all topics covered in the past year. \$270/year. Monitor Publishing Co., 1301 Pennsylvania Avenue, NW, suite 1000, Washington DC 20004. (202) 347-7757.

American Library Association Washington Newsletter Monthly newsletter published by the ALA that follows Washington legislation regarding library policies, including Freedom of Information and censorship. \$2: \$20/year. American Library Association, 110 Maryland Ave., NE, Washington, DC 20002. (202) 547-4440.

Censorship News Quarterly report on school book bannings, government restrictions on access to information and other government censorship issues. \$25 membership. National Coalition Against Censorship, American Civil Liberties Union, 132 West 43rd St., New York, NY 10036.

Civil Liberties Quarterly Quarterly report on litigation, legislative lobbying and public education efforts in defense of freedom of expression, equal protection, privacy and other constitutional rights. \$20 membership. American Civil Liberties Union, 132 West 43rd St., New York, NY 10036.

Citizens Guide on Using the FOI Act and Privacy Act of 1974 to Request Government Records Published by House Committee on Government Operations (1987). Report #100-199. \$1.75. Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325. (202) 783-3238.

The Courts and the News Media A 300-page manual providing current information on the court system, court-press relations and special subjects such as the right to privacy and access to meetings and records. \$5. California Judges Association, Fox Plaza, suite 416, 1390 Market, SF 94102. (415) 552-7660.

The Fine Art of Requesting a Fee Waiver Kit Helps to compose requests to waive reproduction fees and cut through the stranglehold of red tape that accompanied amendments to the FOIA in October 1986. \$2. FOIA, Inc., 145 W. Fourth St., New York, NY 10012. (212) 477-3188.

The First Amendment Bulletin Quarterly report covering people, groups and events trying to raise and preserve public awareness of the First Amendment. Includes extensive bibliography. Free. First Amendment Congress, University of Colorado, Box 287, Boulder, CO 80309. (303) 492-6480.

The First Amendment Handbook Summarizes laws and rules governing access to documents, open meetings, restraints, libel, invasion of privacy. Pocket-sized, 64-page book. \$4. Reporter's Committee for Freedom of the Press, 800 18th St. NW, suite 300, Washington, DC 20006. (202) 466-6313.

Free Press and Fair Trial Updated version of a primer on First and Sixth Amendment rights, first issued in 1967. Examines landmark decisions on such issues as clear and present danger and prejudicial news coverage. \$2. American Newspaper Publishers Association, Box 17407, Dulles Airport, Washington, DC 20041.

The Freedom of Information Act: A User's Guide Pamphlet describing the act and exemptions to it. Includes a sample letter to use when requesting information and a sample appeal letter if request is denied. Produced by the FOI Clearing House, a nonprofit project of Ralph Nader's center for Study of Responsive Law that provides technical and legal assistance. Consultations by mail or phone available. Free. PO Box 19367, Washington, DC 20036. (202) 293-9142.

Freedom of Information Act Files Kit Includes sample form letters requesting information from various agencies, list of names and addresses of government offices such as the FBI and a sample administrative appeal letter. \$3. FOIA, Inc., 145 West Fourth St., New York, NY

10012. (212) 477-3188.

Freedom of Information Act: First Casualty of the "War on Drugs" Analysis of the FOIA amendments attached to the Anti-Drug Abuse Act of 1986, with an index to the legislative history. \$1. FOIA, Inc., 145 West Fourth St., New York, NY 10012. (212) 477-3188.

Freedom of Information: 1987-88 Report of the Society of Professional Journalists, Sigma Delta Chi Annual report analyzing challenges to press coverage, state by state. Includes "Project Watchdog: Guarding the First Amendment Report," a multimedia campaign aimed at awakening the public to its stake in a free and vigorous press. Produced by Gannett News Service and USA Today. Free. Society of Professional Journalists, Sigma Delta Chi, 53 West Jackson Blvd., Chicago, IL 60604. (312) 922-7424.

Freedom of Information Case List Provides Justice Department analysis of FOIA and exhaustive listing of related court cases. Published annually by Justice Department. \$15. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. (202) 783-3238.

Freedom of Information Fee Waiver Policy Guidance Department of Justice memo that provides guidelines to agencies in the executive branch of the government on when it is appropriate to give a fee waiver to those making FOIA requests. Free. Steven Markman, Assistant Attorney General, Office of Legal Policy, Department of Justice, Washington, DC 20530. (202) 633-3642.

Freedom to Read Statement regarding literature censorship and First Amendment issues. Free, send SASE. Association of American Publishers Inc., 220 E. 23rd St., New York, NY 10010. (212) 689-8920.

How To Use the Freedom of Information Act Booklet explains portions of the FOIA and amendments. Details how to write letters requesting information, who to write to and how to appeal. \$3. Reporter's Committee for Freedom of the Press, 800 18th St., NW, suite 300, Washington, DC 20006. (202) 466-6313.

If The Press Didn't Tell Us Who Would? Pamphlet produced by Free Press Campaign/Project Watch Dog. Discusses the importance of the press in relation to FOI. Free. Society of Professional Journalists, Sigma Delta Chi, First Amendment Center, 1093 National Press Building, Washington, DC 20045.

Index on Censorship London-based magazine focusing on international censorship issues; prints many previously banned articles. Published ten times annually. \$27.50/year. Fund for Free Expression, 36 W. 34th St., New York, NY 10030. (212) 840-9483.

The IRE Journal Quarterly journal of Investigative Reporters and Editors Inc., designed to provide educational services to anyone involved in investigative journalism in its broadest sense and to maintain and foster high professional standards. \$20/year; \$25 includes membership. PO Box 838, Columbia, MO 65205. IRE headquarters: 26 Walter Williams Hall, School of Journalism, University of Missouri, Columbia, MO 65205. (314) 882-2042.

Less Access to Less Information By and About the US Government — 1981-87 Chronology Soon-to-be published report by the American Library Association, documenting Reagan administration efforts to restrict and privatize government information, including the elimination of publications and changes in what constitutes classifiable material. \$8; enclose mailing label. 110 Maryland Ave., NE, Washington, DC 20002. (202) 547-4440.

Litigation Under the Federal Freedom of Information Act and Privacy Act Extensive manual detailing the process for obtaining information and filing appeals. Written in laymen's terms. \$12.50/general public and nonprofit organizations; \$40/libraries and institutions. American Civil Liberties Union, Freedom of Information Act Project, Center for National Security, 122 Maryland Ave., NE, Washington, DC 20036. (202) 544-5380.

The National Security Archive Founded two years ago, the archive is a nonprofit research institute and library facili-

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Superlist

continued from previous page

ty operated as a division of The Fund For Peace Inc., which makes internal government documentation available to the public. All records in the archive's collection are unclassified or declassified documents released under FOIA. It will be publishing its indices and document sets on microfiche for university and other research libraries. 1755 Massachusetts Ave., NW, suite 500, Washington, DC 20036. (202) 797-0882.

News Media and the Law Quarterly newsletter covering court cases, privacy issues, access problems and other legal issues relating to the press at the state and national levels. \$20/year. News Media and the Law, 800 18th St. NW, room 300, Washington, DC 20006. (202) 466-6313.

News Media Update Biweekly publication providing recent news about items related to the First Amendment and the Freedom of Information Act. \$65/year; \$10/year for members. National Newspaper Association, 1627 K St., NW, suite 400, Washington, DC 20006. (202) 466-7200.

Open Meeting Laws Compilation and discussion of the laws, court decisions and attorney general's opinions concerning requirements for open meetings of governmental bodies in California. Free. Office of the Attorney General, Public Inquiries Unit, PO Box 944255, Sacramento, CA 94244-2550. (916) 322-3360; (800) 952-5225.

Privacy Journal Monthly newsletter providing information about access to personal records (\$25/year). Annual compilation of state laws affecting privacy (\$12). Also publishes *Celebrities and Privacy*, a guide to press access to personal information of the famous (\$22). Bob Smith, PO Box 15300, Washington, DC 20003. (202) 547-2865.

Privacy Times Newsletter published every two weeks, reporting all court decisions and congressional actions concerning FOI, plus FOI public interest stories. \$225. Evan Hendricks, PO Box 21501, Washington, DC 20009. (202) 526-2415.

Raising Hell How-to manual for investigative reporting. Includes valuable information on gaining access to public records and documents. \$3. Center for Investigative Reporting, 530 Howard St., second floor, SF 94105. (415) 543-1200.

Reporter's Handbook on Media Law Provides explanations of how the statutes, cases and principles of media law relate to one another, how they have developed and how far they reach. Also provides sample of California Public Records Act request letter and FOIA request letter. \$15; \$7.50/members. California Newspaper Publishers Association, 1127 11th St., suite 1040, Sacramento 95814. (916) 443-5991.

Using the Freedom of Information Act: A Step-by-Step Guide (1983) Self-explanatory, 16-page pamphlet compiled by the American Civil Liberties Union. \$3. ACLU, FOI Project, Center for National Security, 122 Maryland Ave., NE, Washington, DC 20036. (202) 544-5380.

What-Do-We-Do-Now Kit for high school student newspapers, in light of the Supreme Court's 1988 *Hazelwood* decision on controls over the student press that reverses the court's 1969 ruling that students do not "shed their constitutional rights at the schoolhouse gate." Packed with information on what the Supreme Court said and what it means. Free; enclose SASE. Student Press Law Center, 800 18th St., NW, suite 300, Washington, DC 20006. (202) 466-5242.

Books

The Big Chill by Eve Pell. Survey of how Reagan and corporate America are subverting the FOIA. Beacon Press (Boston), 1984. \$10.95.

Federal Information Policies in the 1980s by Peter Hernon and Charles McClure. Examines conflicting interest of those guarding and those seeking information, as well as the impact of disclosing certain information. Ablex (NJ), 1987. \$35.

The First Freedom by Nat Hentoff. Details continuing court battles to protect First Amendment rights. Updated

edition due in May. Delacorte Press (NY), 1980. \$16.95.

The Flacks of Washington: Government Information and the Public Agenda by David Morgan. Examines relationship between the media and the federal government, including how the government controls information distributed by the media. Greenwood Press (Westport, CT), 1986. \$29.95.

Federal Information Disclosure by James T. O'Reilly. Covers origins and evolution of and amendments to FOIA, philosophical and policy problems, definitions, public access, FOIA in court, exemptions, historical overview of Privacy Act, agency responsibility and individual rights under Privacy Act, state information and access laws. Supplemented every six months. Shepard's-McGraw-Hill, (Colorado Springs, CO), 1977. \$180; \$75/supplement.

Government Secrecy: Decisions Without Democracy by Steven Katz. Covers the President's "secret laws," national security, restrictions on scientific and academic freedom, FOI Act, OMB operations and appendices of government information directives. Published by People for the American Way, 1987. \$8.95. 2000 M St., suite 400, Washington DC, 20036. (202) 467-4999.

Information Law by Burt Braverman and Frances Chetwynd. Analysis of what the government can withhold and what it must disclose, on federal and state levels. Practising Law Institute, 1985. \$135. 810 Seventh Ave., New York, NY 10019.

Keeping America Uninformed: Government Secrecy in the 1980s by Donna Demac. Details how the Reagan Administration has systematically thwarted public access to information. Pilgrim Press (NY), 1984. \$8.95.

Press Law and Press Freedom for High School Publications by Louise Ingehart. Court cases and decisions regarding free expression guarantees and limitations for high-school journalists. Greenwood Press (Westport, CT), 1986. \$29.95.

The Right To Information: Legal Questions and Policy Issues by Varalejs Jana. Proceedings of a 1982 Rutgers symposium on legal aspects of obtaining and retaining information. McFarland and Company (NC), 1984. \$9.95.

The Right To Know By the Data Center. 180 pages covering all the different ways that access to information is being threatened. Includes selected articles collected over the past ten years on FOI issues, including government secrecy and suppression, censorship by budgeting, privatization of information and whistleblowing. 1985. \$10. 464 19th St., Oakland, CA 94612. (415) 835-4692.

Top Secret/Trade Secret: Accessing and Safeguarding Restricted Information by Ellis Mount and Wilda Newman. Details how to obtain restricted military, commercial, computer and government information. Neal-Schuman (NY), 1985. \$39.95.

Hotlines

California Society of Newspaper Editors, Freedom of Information Action Line Provides advice, limited legal representation and other related services for cases involving court, meeting and records access. Will help writers and editors ward off subpoenas intended to obtain unpublished information. The CSNE Hotline is run by a media team in the Oakland law firm of Crosby, Heafey, Roach & May. Services restricted to CSNE members only. Mon.-Fri., 9 am-5 pm. (415) 273-8650.

Freedom of Information Clearing House Help line deals with telephone inquiries on any FOI issue. Other services include lobbying, advocacy, litigation and answering written requests for advice and information. Offers a free brochure explaining the FOIA. Connected to the Public Citizen Litigation Group. Mon.-Fri., 9 am-5 pm. 2000 P St., suite 700, Washington, DC 20036. (202) 785-3704.

Reporter's Committee, FOI Service Center 24-hour hotline providing free legal aid for all journalists and their attorneys. Designed to assist with problems such as government censorship, subpoenas for sources of information, restrictions, privacy suits and prior restraints. (800) 336-4243.

Student Press Law Center National organization devoted exclusively to protecting the First Amendment rights of high school and college journalists. Legal advice and assistance is free to student journalists, advisers and others requesting assistance on their behalf. Mon.-Fri., 9 am-6 pm. Reporter's Committee for Freedom of the Press, 800 18th St., NW, suite 300, Washington, DC 20006. (202) 466-5242.

Key local and state Freedom of Information organizations

California First Amendment Coalition New coalition currently being formed to fight for public access to public meetings and records. Focus will be on litigation on behalf of the press and public to gain access where it has been improperly denied; will also coordinate many FOI activities now being conducted by separate groups. Successor organization to California Freedom of Information Committee. Composed of representatives of professional organizations, such as California Newspaper Publishers Association, California Society of Newspaper Editors and the Society of Professional Journalists, Sigma Delta Chi. Northern California representatives: Bruce Bruggmann, editor/publisher of the San Francisco Bay Guardian and chair of the Society of Professional Journalists' FOI Committee, 2700 19th St., San Francisco 94110, (415) 824-7660; William Johnson, publisher, Palo Alto Weekly, 703 High, Palo Alto 94302, (415) 326-8210; Gregory Favre, editor, Sacramento Bee, 21st and O streets, PO Box 15779, Sacramento 95852, (916) 321-1000. Southern California representative: Mel Opotowsky, managing editor, Riverside Press Enterprise, PO Box 792, Riverside 92502, (714) 684-1200.

California Newspaper Publishers Association Organization of the state's weekly and daily publishers. President: Rowland Rebele, co-owner Paradise Post, 323 Kingsbury Dr., Aptos 95003. General Manager and General Counsel Michael B. Dorais lobbies on behalf of FOI issues and legislation in Sacramento. Legal Counsel Terry Francke provides expert legal advice and puts together the key handbook on state media law (see publications). CNPA, 1127 11th St., suite 1040, Sacramento 95814, (916) 443-5991.

California Society of Newspaper Editors Organization of the state's weekly and daily newspaper editors; runs the FOI Hotline. President: Bob Bodenhamer, assistant Managing Editor, Santa Rosa Press Democrat, PO Box 69, Santa Rosa, CA 95402. 707-546-2020.

The Data Center Provides extensive files on all FOI issues dating back ten years. Offers research and clipping services, plus library. Library hours: Tues. and Thurs., 1-5 pm; Wed., 1-9 pm. Office hours: Mon.-Fri., 9 am-5 pm. 646 19th St., Oakl. 94612. (415) 835-4692.

Northern California for Public Interest Law Provides advice and guidance on FOI issues. Takes selected cases for litigation and is heavily involved with state legislation (were key lobbyists for the Brown and Bagley-Keene open meetings acts). James Wheaton is the supervising attorney for the center. C/O Public Advocates, 1535 Mission, SF 94103. 431-7430.

Northern California chapter of the Society of Professional Journalists, Sigma Delta Chi Nation's largest organization of working news media professionals. President of local chapter: Bill Kong, copy editor, San Francisco Examiner, 110 Fifth St., SF 94103. 777-2424. Freedom of Information Committee is a committee of local print and broadcast journalists that takes on major FOI cases for litigation and lobbying. FOI Committee chair: Bruce Bruggmann, editor/publisher, San Francisco Bay Guardian, 2700 19th St., SF 94110. 824-7660.

Northern California chapter of the Radio and Television News Directors Association Organization of radio and TV directors. Works on FOI issues mainly involving TV and radio. FOI chair: Dick Fogel, president, Bay City News Service, 1232 Market, SF 94102. 552-8900. (3/9/88) — *Lucy Ackroyd, Jim Balderston, Laura Brill, Bruce Bruggmann, Bruce Crumley, Eileen Ecklund, Jean Field, Craig McLaughlin, Anthony Palazzo, Tim Redmond, Jane Sullivan*



GUARDIAN GRAPHIC BY TIM BOWER

Letter from the Basilica of the Virgin of Guadalupe

Religion, sex and politics in Mexico City

By John Ross

THE FAITHFUL came on foot, many of them bare, they came on their knees, they came in fancy cars and rickety buses and jet airplanes, they came on tens of thousands of bicycles, they came jogging or running relay races, passing torches from hand to hand, they came on piggyback or carried on stretchers, they came from the world's largest city and the nation's tiniest villages, they came chanting her name or thrusting her gilt-edged image before them, they came by the millions to the Basilica of Our Lady of Guadalupe on the northern edge of Mexico City as they have for 4½ centuries this past Dec. 12th to ask for miracles or to thank the Virgin for miracles already wrought.

The Indians began their respective pilgrimages from disparate parts — the verdant coast of Veracruz and the high mountains of Chiapas, the jungle Guatemalan border, dusty whistlestops in Mexico state, the blood-stained Huastecas. Now they gathered on a triangular traffic island at evening rush hour at the foot of the avenue that three miles later arrives at the great basilica, flying a huge banner with the image of the Virgin of Guadalupe imprinted on it by skillful hands. Scripted above the dark-skinned Lady's golden aura was the name "Tonantzin," the Michica (Aztec) goddess of fertility. The Indians knew where they were going, where they had come from, whose image they carried. Now their drums

and their flutes moved up the crowded avenue past the taco stands, the boiling pots of cinnamon tea to guard against the cold, the jello vendors, the hawkers of shiny medallions stamped with her radiant features, the other pilgrims painfully inching their way toward Holy Ground on bloody knees.

At the basilica, the gargantuan throng surged and ebbed like a joyful ocean. Here and there, broad women fainted dead away from the ecstasy or lack of air and helmeted Red Cross volunteers plunged into the mob to try to rescue them before they were trampled under the hooves of the zealous worshipers. In the courtyard, pickpockets worked the flock's more unguarded pockets, while inside the great carousel of the cathedral, priests pried loose the larger bills in her name.

Near midnight, upon the high altar, mariachis crowed out the Rooster Mass. "Viva la Virgin of Guadalupe," yowled Lola Beltran, for half a century the reigning queen of this bittersweet song. "Viva la Virgin of Guadalupe!" the sardined congregation enthusiastically responded. Pilgrims threw themselves ten at a time upon the people mover beneath the altar to catch a glimpse of the real miracle she had made — the serape of the Indian Juan Diego, upon the worn thread of which her glowing image had somehow been imposed.

"Many of you have come from many miles off, many of you have come without a job, without money, without a home, without even shoes —

the Lord knows that the poor are poorer yet this year but still we do not lose our hope because we have her here in the temple of our hearts," a white-robed priest solemnly intoned.

THE INDIANS knew perfectly well where they had come from, where they were going. They set up camp just outside the basilica's great portals in the rapidly filling courtyard. They were hardly alone in their Indianness. On all sides, other Indians danced the death of Cuauhtemoc, the son of Montezuma, who rose and fell against the pale-faced Christians. In the dance they danced, the steel machetes clanged violently, meeting precisely, under the quarter-mooned sky. "Viva Tonantzin! Michica Tehmai!" "Long live Tonantzin! The Michicas are advancing!" they shouted in Nahuatl.

"We are not confused about why it is we come here every year," explained their leader, Genaro Dominguez, the cagey director of the National Coordinating Body of the Indian Peoples.

The Virgin of Guadalupe first revealed herself Dec. 9, 1531 to the Michica farmer Cuauhtlatuac ("He who spoke like an eagle"), a descendent of the royal Aztec house who had recently been baptized Juan Diego. He was passing by Tepayac hill, which towers above the basilica, when she first called him. Tonantzin's temple had once stood up there. It was the first time the Christian's Holy Mother had put in an appearance in the Americas. Appropriately, her skin tones had darkened for the occasion. Three more times that week, she came to Juan Diego at the Tepayac, each time instructing him to carry her demand to the Bishop of Mexico that a church be built on that spot. Three times, the bishop refused to receive the poor Indian. Finally, on Dec. 12th, the Virgin sent a sign — her image on a bouquet of roses that somehow, miraculously, transferred itself to Juan Diego's cloak in the presence of the suddenly amiable bishop. It is this garment that now dangles from the basilica's high altar.

Mexico was and is an Indian nation, although many Indians no longer choose to call themselves such. It is also a nation of Catholics (89.5 percent of the population) and Catholic haters (perhaps 50 percent) — many, as you can count, are both. There are many who fervently believe the miracle of the Virgin of Guadalupe was merely 19th-century high-tech hype designed to bring the Michicans into the fold. There are more who simply fervently believe in the miracle.

Father Miguel Hildago y Costilla, the priest who first proclaimed Mexico's independence, did so in the Virgin's name. Mexican troops fought the Spanish and the French inspired by the Virgin's secret smile. Zapata hauled her into battle like a hidden cannon. The Virgin of Guadalupe is the incarnation of Mexicanness. Only the nation's priest-hating Party of the Institutionalized Revolution, which has ruled Mexico with an iron heel for the past 60 years, pretends she does not exist. This past Dec. 12th, while 3 million Mexicans swirled around the basilica's grounds, a cipher no political event in this country can ever come close to realizing, President Miguel De la Madrid and his handpicked successor, Carlos Salinas De Gortari, barnstormed the countryside buying votes, but never once mentioning her venerated name.

THE BASILICA of the Virgin of Guadalupe and the surrounding grounds comprise a religious themepark that would make Jim and Tammy Bakker gurgle with envy. The modern people-moving cathedral was completed in 1976 with the meager offerings of many millions of impoverished believers, augmented by dona-

continued next page



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Eating Out, SF Chronicle
June 21, 1985

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SF Sunday Examiner, June 9, 1985

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GUARDIAN GRAPHIC BY TIM BOWER

In Mexico, people worship those whose spirits have, like the Virgin's, ascended into heaven and can no longer sell them out here in this very venal world.

Virgin

continued from previous page

tions from wealthy entrepreneurs who wanted to insure their passage through the needle's eye when the Good Shepherd called them skyward. A colonial basilica has been in the throes of renovations right next to the new one for years. Sixteen other chapels dot the enclave. Above the enormous esplanade spires the Tepayac, where Tonantzin once ruled supreme.

Outside the chapel constructed on the site of the Aztec goddess's altar, a dozen bustling shops push Guadalupe's image on T-shirts and towels, key chains, refrigerator magnets, telephone dials, in 3-D or 2-D, in the shape of lamps and candles and thermometers and clocks — her portrait in every form and size, from a grain of rice to extra-jumbo, big-as-life.

On the downside of the hill are limpid pools filled with coins the poor have left behind and a great frozen tableau of the Virgin's miraculous appearance to a group of very dark, very savage-looking Indians. Beyond that is the kiddie park and behind that, just outside the fence, the Ferris wheels and the merry-go-rounds, the cotton candy and the cantinas.

What this holy place rakes in yearly is the Church's most cherished secret. Each year, 21,000 masses are said here at a cost of 50,000 pesos a piece. Plus, 1,600 pilgrimages, each including thousands of pilgrims who kick in a million pesos for the passage, sidle through her annually. Every Sunday, 52 weeks per year, at least 50,000 worshipers attend services at which collections are taken rigorously. A thousand baptisms occur each weekend at ten more thousand pesos each. The coinage the poor leave behind them is hauled away by the ton.

But it's not just the money-making machinery that would make Jim and Tammy pee with glee to have a piece of this action. Real miracles are wrought her, and not just your typical tossing-of-the-crutches-to-the-high-blue-heavens variety either. In the eyes of the Virgin's image miraculously printed upon Juan Diego's serape hanging

high above the basilica's main altar, ophthalmologists, magnifying the image 2,500 times, have discovered what appears to be Juan Diego himself framed in the right eye and ten shadowy figures, presumably the scene in the bishop's parlor, in the other. The Virgin of Guadalupe, you see, can actually see you. Hmmm. It is also gospel true that the wings of the angel supporting the quarter moon (hmmm) on which the Virgin of Guadalupe perches are red and white and green, the exact colors of the Mexican flag 300 years before there was a Mexican flag. Hmmm, again.

Such mysteries flush out the skeptics in a crowd, but here this past Dec. 12th, there were not many such types in attendance. "The rich people raise the prices without even turning to look at the poor, but that is not the fault of the Patrona," Juan Flores, who rode his bike from three states away, told the left-wing daily, *La Jornada*. "I have come on my knees because I want a certain person to change her character," sobbed Antonio Ramirez of Perote Veracruz as the Red Cross nurse tried to staunch his wounds. And Petra Juarez had descended the long, rocky road from the Sierra of Puebla state simply to ask the Virgin to make life a little less *pesado* — heavy — for her and her family in their remote Indian village up there above the clouds.

It is why they all come each year from so far away, on their bloody knees, playing flutes and drums, to ask the peaceful, floating image of the incorruptible Virgin of Guadalupe to make life a little less *pesado* for them. I have seen the same simple faith placed before flower-garlanded, candle-illuminated portraits of Emiliano Zapata and Francisco Villa and ex-President Lazar Cardenas, who were not saints at all but men who could be tempted, and sometimes were, and who died in struggle and rose above the living to be corrupted only by the worms under the earth, and not by those who still walk upon it. In Mexico, these mostly Indian, mostly Catholic people worship those whose spirits have, like the Virgin's, ascended into the heavens and can no longer sell them out here in this very venal world. ■

Carry-out cuisine

For people who want to eat at home but don't want to cook, a guide to 67 of our favorite restaurants that offer take-out food

LET'S FACE IT: These days, the home-cooked meal is, for many of us, a rare treat. Everyone works too much to plan, shop and cook the way Mom used to. Unfortunately, the alternatives can be pretty unappealing — scarfing down frozen pot pies, waiting an hour for a soggy, cardboard-tasting pizza to be delivered or dragging your exhausted self out to a restaurant that will cost more than you can justifiably spend in one week. There is an alternative, though, that's less costly and more appealing: food-to-go.

Most of us, when we think of take-out food, think of pizza, greasy burritos, Kentucky Fried or chow mein. For good reason: Many of the restaurants that promote their take-out service *do* cater to the fast-food crowd. But many full-service restaurants will package their food for carry-out, if you ask. The range of meals available is

broad enough to cater to any taste, from the fast-food aficionado to the full-course diner. And, as one of our experts noted, the best thing about to-go places is that you can order for three, eat it all yourself — and no one will ever know.

Listed below is a selective guide to restaurants offering take-out food; delivery is available only where listed. Since most of the food is a la carte, an average price range is listed for each establishment. Where applicable, lunch prices are included in the range. Some of the restaurants are old carry-out standards, others are places most people would never think of when they think of food-to-go. There are even a good number of breakfast places that offer carry-out service — perfect for those mornings when you'd rather lie on the living room floor watching PeeWee Herman than fight the line-up at your favorite restaurant.



Speed skating: Fast service and great burgers are the hallmarks of Carrozzi Burgers Bun to Run.

We compiled our guide by polling various food experts, including the many Bay Guardian staffers who live on take-out alone. It's not meant to be exhaustive, but we hope it will provide some fresh territory for the hungry and exhausted to explore. More suggestions for East Bay carry-out dining can be obtained from a little volume called *Dinner To Go: Best Take-Home Food in the Eastbay*, put out by The Parents of Park Day School.

San Francisco

Amazing Grace Vegetarian Restaurant All-vegetarian menu, extensive salad bar; few dairy products used. Daily specials. \$3-\$6.50. Mon.-Sat., 11 am-10 pm. 216 Church, 626-6411.

American Chow Chops, fish, bur-

gers, steaks. Daily specials and freshly made desserts. \$3-\$11. Mon.-Fri., 7-10 am, 11 am-3 pm and 5-10 pm; Sat. 9 am-3 pm and 5-10 pm. 340 Division, 863-1212.

Ashbury Market Deli Fresh, unusual salads made on the premises, fried chicken, soup du jour, cheeses and desserts. Items priced per pound; average \$3-\$6. Mon.-Sat., 9 am-8 pm; Sun., 9 am-3 pm. 205 Frederick, 566-3134.

Auntie Pasta Fresh pastas and over a dozen sauces, including pesto, creamy clam, sausage and pepper. Pasta: \$3.45/lb. Sauces: \$3.45-\$7.95/lb. Mon.-Fri., noon-9 pm.; Sat and Sun., 11 am-8 pm. 171 Diamond, 282-0738; 3101 Fillmore, 921-7576; 2055 McAllister, 921-7652; 350 Seventh Ave., 386-6160; 1301 Waller, 681-4242.

Baksey Cham Krong Cambodian cuisine; lunch rice plates and dinner curries are standouts (especially red curry chicken with winter melon). \$3.75-\$8.95. Mon.-Wed., 5-11 pm; Thurs.-Sun., 11 am-4 pm and 5-11 pm. 1770 Haight, 387-9224.

Banks Sandwich Shop Great hamburgers, soul food, fried chicken, greens, beans, oxtails. \$1.69-\$4.20. Tues.-Sat., 9 am-7 pm. 247 Fillmore, 621-9536.

Blackburn's Pit Bar-B-Que Barbecue ribs, chicken and links with hot (fiery), medium or mild sauce. Half-orders and lunch specials on Fri. \$5.15-\$9.05. Mon. and Tues., 3-10 pm; Wed. and Thurs., noon-10 pm; Fri. and Sat., noon-midnight. 1338 Ocean, 239-7115.

Bricks at Fourth Street Soups, salads, sandwiches at deli window; take-out service from dining room menu includes such items as Brick's Burger, fried polenta, moussaka, roast chicken, grilled fish, pasta specials and daily entree specials. \$3.50-\$5 from window, \$6.75-\$14 from menu. Window service: Mon.-Fri., 7 am-4 pm; Sat., 9:30 am-2:30 pm. Restaurant: Mon., 11:30 am-3 pm; Tues.-Fri., 11:30 am-3 pm and 5:30-9:30 pm. 598 Fourth St., 543-2222.

Cafe Gitanes Authentic Tunisian cuisine, including couscous, salads, sausages. \$2.75-\$10.95. Tues.-Fri.,

11 am-2:30 pm; Sat., 10 am-2:30 pm and 5-10:30 pm. 3214 16th St., 431-5838.

Cafe Nidal Middle-Eastern cuisine, including falafel, kebabs, Middle Eastern plate (falafel, tahina salad, tabouleh, feta cheese, hummus, tomato, olives and pita bread; \$4). Delivery and catering available. All plates under \$4.50. Mon.-Fri., 7 am-7 pm; Sat. and Sun., 8 am-7 pm. 2491 Mission, 285-4334.

Caravansary Middle Eastern cuisine, including Armenian sandwiches, tabouleh, hummus, moussaka, baba ghanoush, torta milanese. Delivery charge based on drive time; full catering. \$5-\$20. Mon.-Sat., 10 am-6:30 pm; Sun., 11 am-6:30 pm. 2257 Chestnut, 921-0534.

Carrozzi Burgers Bun to Run Old-style drive-in and take-out (waitresses are on roller skates) with great, huge, greasy burgers and fries; milkshakes. \$5 and under. Mon.-Thurs., 11 am-10 pm; Fri. and Sat., 11 am-11 pm; Sun., 11 am-8 pm. 700 South Van Ness, 824-5888.

Chestnut Street Bar & Grill Burgers, sandwiches, buffalo chicken wings, fried clams. \$2.95-\$5. Mon.-Thurs., 11 am-11 pm; Fri., 11 am-midnight; Sat., 10 am-11 pm; Sun. 10 am-1 pm. 2231 Chestnut, 922-5558.

De Paula's Brazilian Cuisine Traditional Brazilian dishes, stews and seafood. Deliveries for orders over \$6.25. \$6 and up. Sun.-Thurs., 5-11 pm; Fri. and Sat., 5 pm-midnight. 2114 Fillmore, 346-9888.

Everett and Jones' Barbeque Bar-

continued next page

Waiters on Wheels: For the lazy gourmet

By Jean Field

IT'S COLD OUT, you're starving and it took you a half hour to find a parking space three blocks from your house. You are definitely *not* going out again, and the sight of yet another surly pizza boy toting a smelly pepperoni UIO (unidentified inedible object) is more than you can bear.

Imagine instead a smiling waiter, wearing a red jacket and black bowtie, arriving at your door bearing a steaming Indian feast or a plateful of Max's Diner chicken wings or oysters Rockefeller and lobster thermidor. Waiters on Wheels, which opened last November, makes those fantasies come true — for San Francisco residents, at least.

It's really easy: Waiters on Wheels provides a newsletter with the menus of 16 member restaurants, including Mel's Drive-In,

Max's Diner, Calzone's, The Peacock, Civic Center Hunan, La Barca and Mayes Oyster House. You simply call WOW, place your order and, less than 45 minutes later, the meal arrives — still warm. This service only costs the customer \$3, and the menu prices are the same you'd pay if you'd dragged yourself out of the house and went to the restaurant yourself.

Constantine Stathopoulos, a former San Francisco waiter, says he started Waiters on Wheels because he saw a need for home-delivered food other than pizzas or Chinese food (even that's hard to get delivered in most neighborhoods). He and his partner Takis Zarikos now employ five waiters, who are radio-dispatched from WOW's Mission Street headquarters. The business is growing steadily: On an average evening, they serve the equivalent of 30 tables, and by the time the next



newsletter comes out, Stathopoulos says they'll have 25 restaurants from which to choose.

Waiters on Wheels is open for lunch orders daily from 11 am to 2 pm and for dinner from 5 to 10 pm, and accepts charge cards depending on the restaurant. To order a meal or a newsletter, call Waiters on Wheels, 885-3444. ■

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San Francisco Chronicle



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Food

continued from previous page

becue pork ribs, beef and chicken sandwiches. \$3.50-\$7. Sun.-Thurs., 11 am-2 am; Fri. and Sat., 11 am-3 am. 5130 Third St., 822-7728.

Family Restaurant Chinese and American food, barbecued chops. \$3-\$5. Mon.-Sat., 10 am-8 pm. 919 Divisadero, 567-8840.

Firehouse Bar-B-Que Barbecue ribs, chicken and sandwiches. \$4-\$15.50. Mon.-Thurs., 11:30 am-10 pm; Fri. and Sat., noon-11 pm; Sun., noon-9:30 pm. 501 Clement, 221-7427.

Glen Park Cuisine Chinese; daily specials. \$4-\$6. Delivery available. Tues.-Sun., 11:30 am-9:30 pm. 2922 Diamond, 333-7882 or 333-7883.

Godzilla Sushi Sushi. Most rolls \$2; some specials \$3. Mon.-Fri., 11:30 am-2 pm and 5:30-10:30 pm. 1800 Divisadero, 931-1773.

Hotaling Place Sandwich Club Salads, sandwiches, daily entree specials and baked goods every morning. Delivery depends on distance and size of order. \$2.75-\$4. Mon.-Fri., 8 am-4 pm. 60 Hotaling, 956-4020.

Joji's House of Teriyaki Chicken and beef teriyaki. \$5-\$7. Daily, 8 am-10 pm. 1919 Union, 563-7808.

La Cumbre Best steak burritos — grilled steak with whole beans and hot sauce. Very cheap. \$1.50-\$3.25. Mon.-Sat., 11 am-10 pm; Sun., noon-8 pm. 515 Valencia, 863-8205.

La Mediterranee Mediterranean cuisine (Greek, Lebanese), including dolmas, kibbeh, good filo rolls with various fillings. Meat and vegetarian plates. \$3.25-\$6.25. 2210 Fillmore, 921-2956: Mon.-Thurs., 11 am-10 pm; Fri. and Sat., 11 am-11 pm. 288 Noe, 431-7210: Tues.-Thurs. and Sun., 11 am-10 pm; Fri. and Sat., 11 am-11 pm.

La Taqueria Great burritos, stuffed with whole beans and no rice; also tacos. \$1.30-\$2.50. Daily, 11 am-8 pm. 2889 Mission, 285-7117.

Las Guitarras Mexican food; good chile verde and combination plates. \$4.95-\$7.50. Free delivery 5-10 pm. Daily, 10 am-10 pm. 3200 24th St., 285-2684.

Leon's Bar-BQ Hot barbecue sauce; ribs, chicken, great baked beans. \$5.27-\$20.25. 1911 Fillmore, 922-2436: Mon.-Sat., 11 am-9 pm (9:50 pm for takeout); Sun., 1-8:30 pm (8:50 pm for takeout). 2800 Sloat, 681-3071: Sun.-Thurs., 11 am-10 pm; Fri. and Sat., 11 am-11 pm.

Manora's Thai Restaurant Thai cuisine; great curries and fish cakes. \$4-\$8. 3226 Mission, 550-0856: Mon.-Fri., 11:30 am-2:30 pm and 5-10 pm; Sat., 5-10 pm. 1600 Folsom, 861-6224: daily, 11 am-2:30 pm and 5:30-10:30 pm. 500 Haight, 861-7745: Mon.-Fri., 11:30 am-11 pm; Fri. and Sat., 11:30 am-1 am; Sun., noon-10 pm.

Martin J Cafe Good aoli burgers, chicken breast sandwiches, salads and soups. \$4.75-\$5.75. Mon.-Fri., 8:30 am-2:30 pm. 1028 Potrero, 550-8313.

Max's Diner Bakery and Bar Good East-Coast type deli fare. Mon.-Wed., 11 am-11 pm; Thurs., 11 am-midnight; Fri., 11 am-1 am; Sat., 11:30 am-1 am; Sun., 11:30 am-11 pm. 311 Third St., 546-6297.

Max's Opera Cafe New York-style deli sandwiches, salads. \$3.25-\$12.95. Mon., 11:30 am-10 pm; Tues.-Thurs., 11:30 am-midnight; Fri. and Sat., 11:30 am-1 am; Sun., 11:30 am-11 pm. 601 Van Ness, 771-7300.

North Beach Pizza Pasta, pizza, barbecue ribs, chicken, sandwiches. \$4.40-\$5. Daily, 11 am-1 am. 1499 Grant, 433-2444.

Peko's Sushi Bar and Pool Hall Sushi. \$4.95 and up. Mon.-Sat., 11:30 am-11 pm; Sun., 3:30-11 pm. 1824 Irving, 564-7800.

Pot & Pan Diner-style Chinese restaurant; great noodle dishes, including chow fun (fat noodles) and chow mein (especially deluxe).

\$2.70-\$6.15. Daily, 11:30 am-9:30 pm. 1243 Ninth Ave., 665-2833.

The Red Crane Excellent Chinese vegetarian cuisine, including variety of good bean curd-vegetable dishes, ginger-garlic squid, fish with black bean sauce. \$4-\$5.75. Daily, 11:30 am-10 pm. 1115 Clement, 751-7226.

Roosevelt's Tamale Parlor Possibly the best tamales in SF; also great enchiladas. Combination plates available. \$1.60-\$6.25. Tues.-Sat., 9:30 am-10 pm; Sun. 9:30 am-9 pm. 2817 24th St., 550-9213.

Ryan's Jamaican barbecued ribs, pasta, seafood, potato salads. Seasonal specialties, delivery and catering. \$5-\$10. Mon.-Fri., 11 am-9 pm; Sat. and Sun., 10 am-9 pm. 4230 18th St., 621-6131.

San Francisco Bar-B-Q Thai barbecue, including pork, chicken, sausage and seafood; especially good barbecued duck or chicken with noodles. \$4.75-\$7.95. Tues.-Sat., 11 am-2 pm and 4:30-9:30 pm; Sun., 3-9 pm. 1328 18th St., 431-8956.

Shangri-La Chinese Vegetarian Restaurant Vegetarian Chinese fare; great mu-shu vegetables. \$3.25-\$5.80. Daily, 11:30 am-9:30 pm. 2026 Irving, 731-2548.

Siam Lotus Thai cuisine; good Pad Thai, Pra Ram and curries. \$3.95-\$7.95. Mon.-Fri., 11 am-2:30 pm and 5-10 pm; Sat. and Sun., 5-10 pm. 2732 24th St., 824-6059.

Taqueria El Farolito Excellent burritos, meat or vegetarian. 2779 Mission, 824-7877. Sun.-Thurs., 9 am-2 am; Fri. and Sat., 9 am-4 am. 2092 Mission, 621-6971; daily, 9 am-9:45 pm. 2950 Mission, 641-0758; Sun.-Thurs., 9 am-1 am; Fri. and Sat., 9 am-3 am.

Wasabi Sushi Great, well-presented sushi (even for take-out) at reasonable prices; daily luncheon specials. Special plates available. \$2.90-\$8.90. Tues.-Fri., noon-10 pm; Sat. and Sun., 1-10 pm. 553 Haight, 626-4632.

East Bay

Auntie Pasta Fresh pasta and sauces, fresh and frozen lasagne, frozen ravioli, salads, low-fat Italian sausages. \$2.95-\$11.95/lb. 2907 Claremont, Berk., 549-9801; daily, 10:30 am-7:30 pm. 4043 Piedmont, Oakl., 428-2909; Mon.-Sat., 10 am-7 pm; Sun., noon-6 pm.

Bette's To Go Takeout branch of Bette's Ocean View Diner. Full line of baked goods, breakfasts, sandwiches, daily homemade soups and entrees, salads and milkshakes. \$3-\$6. Mon.-Fri., 6:30 am-6 pm; Sat., 8 am-2 pm. 1807 Fourth St., Berk., 548-9494.

Brennan's American food; good roasted meats, such as hot turkey sandwich with mashed potatoes and gravy. Daily specials; large lunches and dinners. \$5-\$7. Daily, 11 am-9 pm. 720 University, Berk., 841-0960.

Buttercup Bakery, Restaurant and Take-away Soups, salads, baked good and specials. Baked items sold by quantity, entrees by weight. Daily, 7 am-9 pm. 3201 College, Oakl., 652-6152.

The Edible Complex Baked goods, fresh desserts, quiche, sandwiches and salads. \$3-\$5. Mon., 10:30 am-midnight; Tues.-Thurs., 7:30 am-midnight; Fri., 7:30 am-1 am; Sat., 8:30 am-1 am; Sun., 8:30 am-midnight. 5600 College, Oakl., 658-2172.

Emil Villa's Good family-style barbecue for those with weaker stomachs; standard breakfasts, too. \$3.15-\$12. Mon.-Thurs., 6 am-10 pm; Fri. and Sat., 6 am-11 pm. 1982 Pleasant Valley, Oakl., 654-0915.

Everett and Jones' Barbecue Barbecue pork ribs, beef and chicken sandwiches. \$3.50-\$7. Sun.-Thurs., 11 am-2 am; Fri. and Sat., 11 am-3 am. 1955 San Pablo, Berk., 548-8261; 2676 Fruitvale, Oakl., 533-0900.

Fat Apple's Burgers, hamburger steaks, lasagne, salads. \$3-\$7. Mon.-Fri., 6 am-11 pm.; Sat. and Sun., 7 am-11 pm. 1346 Martin Luther

King Jr. Way, Berk., 526-2260.

Filnt's Barbecue ribs, chicken, hot links and sandwiches. \$1.50-\$5.75. Sun.-Thurs., 11 am-2 am; Fri. and Sat., 11 am-4 am. 3114 San Pablo, Oakl., 658-9912; 6609 Shattuck, Oakl., 653-0593; 6672 E. 14th St., Oakl., 569-1312.

La Mediterranee Mediterranean cuisine (Greek, Lebanese), including dolmas, kibbeh, good filo rolls with various fillings. Meat and vegetarian plates. \$3.50-\$6.25. Mon.-Thurs., 10 am-10 pm; Fri. and Sat., 10 am-11 pm. 2936 College, Berk., 540-7773.

Mama's Royal Cafe Large breakfast plates, omelettes, burgers and sandwiches. \$3.50-\$8.90. Mon.-Fri., 7 am-3 pm; Sat. and Sun., 8 am-3 pm. 4012 Broadway, Oakl., 547-7600.

Noble Pies Meat and vegetable pies and pasties. \$2.15-\$7. Daily, 11 am-9 pm. 5422 College, Oakl., 653-2790.

Oishi/So:Too Excellent, innovative sushi and sashimi. \$2.50-\$4.50 per roll. Wed.-Mon., 11:30 am-2 pm and 5-10 pm. 1019 Camelia, Berk., 525-9443.

Pasand Madras Cuisine Southern Indian cuisine, including dosas and pakoras. \$5-\$10. Daily, 11:30 am-10 pm. 2286 Shattuck, Berk., 549-2559.

Petrouchka's Russian cuisine and vegetarian specialties. \$10-\$14. Daily, 11 am-11 pm. 2930 College, Berk., 848-7860.

Saul's New York-style deli. \$3-\$10. Mon.-Fri., 10:30 am-9 pm; Sat. and Sun., 9 am-10 pm. 1475 Shattuck, Berk., 848-3354.

Spenger's Fish Grotto Seafood dishes and daily specials. \$5.75-\$13. Daily, 8 am-10 pm. 1919 Fourth St., Berk., 845-7771.

Thai Bar-B-Q Berkeley Thai barbecue: beef, pork, chicken and seafood. \$3.50-\$7.95. Tues.-Sat., 11:30 am-2:30 pm and 4:30-9:30 pm; Sun., 3-9 pm. 1958 Shattuck, Berk., 549-1958.

Togo's Eatery Submarine sandwiches made to order. Thirty different fresh fillings, from avocado and alfalfa sprouts to hot meatballs with spicy Italian sauce. \$3-\$5. Mon.-Fri., 10:30 am-9 pm; Sat. and Sun., 11 am-9 pm. 254B Bancroft Way, Berk., 540-8147; 1221 Broadway, Oakl., 832-0131.

Marin County

El Rebozo Mexican cuisine, paella a la Valenciana, seafood platter. \$6.75-\$16. Sun.-Thurs., 11:30 am-10:45 pm; Fri. and Sat., 11:30 am-11:45 pm. 115 Shoreline Highway, Mill Valley, 332-5122.

Firehouse Bar-B-Que Barbecue ribs, chicken, burgers and sandwiches. \$4-\$13. Mon.-Thurs., 11:30 am-9 pm; Fri. and Sat., 11:30 am-10 pm; Sun., noon-9 pm. 2401 Larkspur Landing Circle, Larkspur. 461-7427.

Gonzales' Hacienda Mexican food. \$4.75-\$8.50. Mon.-Thurs., 11:30 am-9 pm; Fri. and Sat., 11:30 am-10 pm. 809 B St., San Rafael. 459-9863.

India Palace Restaurant Indian cuisine, specializing in Indian barbecue. \$6.95-\$12.95. Daily, 11:30 am-9:30 pm. 707 Redwood Highway, Mill Valley, 388-3350.

Le Moulin Eastern Mediterranean dishes, sandwiches and salads. \$2-\$10. Mon.-Sat., 8 am-9 pm; Sun., 10 am-8 pm. 333B San Anselmo Ave., San Anselmo, 459-4959.

Mayflower Inne Traditional British pub food, including fish & chips, steak & kidney pies, Cornish pasties and bangers & chips. \$4.95-\$10.95. Mon.-Fri., 11:30 am-2:30 pm; Sun.-Thurs., 5-9 pm; Fri. and Sat., 5-10 pm. 1533 Fourth St., San Rafael, 456-1011.

Seven Seas Seafood, bouillabaisse and cioppino specials. \$10-\$14. Daily, 8 am-11:30 pm. 682 Bridgeway, Sausalito, 332-1304. ■

The Bay Guardian's guide to take-out food was compiled by Laura Brill, Bruce Crumley, Eileen Ecklund, Jean Field, Carolina Gonzalez, Marna Graham, Elizabeth Schwarte and Todd Wilson.

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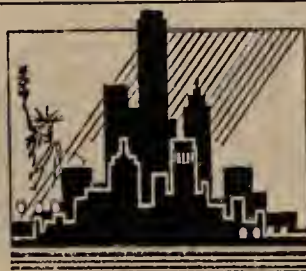
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Restaurants

Culinary compass points

By Michele Anderson

THE DINNERS at Alta Plaza restaurant on Fillmore Street span the compass points of contemporary American cuisine. Traveling Southeast in its peppery Creole dishes, then West to California in its composed salads tossed in zesty vinaigrette and fish specials, the kitchen does well with the fresh ingredients and regional styles that make up this culinary potpourri. It's a good place to cover part of the culinary map, with its solid fare brightened with chilis, chutneys and sauces.

The set menu and daily specials reflect the kitchen's eclectic style. For example, the kitchen updates an Eisenhower-era beet salad by roasting the beets and then tossing them in a balsamic vinaigrette. This reinterpretation shares the bill with Cajun blackened pork medallions served with a kicker of sweet chutney.

Alta Plaza occupies three tiers above a popular men's bar; an open staircase separates the large bar area from the smaller restaurant. The street-level dining area is pleasant but sparsely decorated. The only nod to art is the all-too-familiar Japanese image of a cresting wave, a painting so large that it splashes across one whole wall. Adding a dressy note are white tablecloths that drape the tables only in the non-smoking section, a small group of tables crammed against a short wall lined with hard wooden banquettes. A platform dining area, packed closely

with tables, allows you to eyeball the action in the bar below. If you want to dine in near isolation, the landing on the stairs leading to the bar features one large table.

During the early evening hours, when it's not cluttered with crowds, Alta Plaza's quiet, low-key ambience attracts many solitary diners who settle in for a leisurely dinner. By 9 pm, however, most tables are occupied. Although it reaches a crescendo about this time, the noise level never impedes easy dinner chitchat. The music from the bar below, soft and bland early in the evening, changes to soul and rock by late evening. But whatever the beat, it travels pleasantly around conversation.

The amiable service staff does its job well, paying attention to details, refilling wine glasses and speedily clearing the table between courses. On request, they'll supply extra plates for inveterate nosers who want to sample everything on the block, and will split salads, garnishes and all.

Start with the Creole-inspired appetizers, spiked with peppers and piquant spices. The standout was the excellently grilled barbecued pork strips (\$4.95), served in a portion hefty enough to be an entree. Resembling medallions rather than strips, they were covered with a thick barbecue sauce flavored with an undertone of vinegar and peppers, and flanked a hill of firm-cooked, wonderfully smoky black beans. Less thrilling were the creole crab cakes (\$7); although nicely



Despite sharing space with a popular bar, Alta Plaza maintains a low-key ambience.

sautéed and encased in a crisp, peppery coat, they should have been meatier.

First-rate was the smoked beet salad (\$4.95), tossed in a good balsamic vinaigrette and surrounded by spokes of Belgian endive and leaves of watercress. The Caesar salad (\$4 for a small plate), misspelled on the menu, was miscast in the kitchen: Its hacked-up romaine lettuce leaves looked almost albino in a nearly anchovy-free, garlicky white dressing gone mad with parmesan cheese.

There were hardly any losers among the entrees. For the meat and potatoes crowd, try the broiled rib eye steak (\$16.95), overly charred but otherwise competently grilled to a medium rare. Duck sausages (\$12.95), juicy and charged with a jolt of pepper, had skins crackly from good grilling; apple compote and braised red cabbage were good flavor foils for the spiciness of the meat. Also good were pork medallions (\$13.50), blackened not by searing but by black pepper flecks, and the nicely

sautéed chicken breast (\$12.95), covered with a Dijon mustard sauce strongly seasoned with tarragon. A knockout among the daily specials were the veal sweetbreads, topped with asparagus and served with a mix of wild and white rice. The crunchy coating offset their firm texture and a rich, faintly tangy beurre blanc added a sheen.

Alta Plaza is a good place to cover part of the culinary map, with its solid fare brightened with chilis, chutneys and sauces.

The daily dessert specials are a mixed bag of the homey and chic. A hearth-warmer was the totally fattening rhu-barb crisp, all pink and tart and topped with a hit of whipped cream. More upscale but less satisfying was the Grand Marnier-zapped pot-a-creme and a Meyer lemon tart with a good puckery filling let down by an underdone crust.

The wine list, mostly California wines with a few French bottles, is reasonably priced. A real steal was a \$10 Cotes du Rhone.

ALTA PLAZA RESTAURANT, 2301 Fillmore, SF, 921-4646. Lunch: Mon.-Fri., 11:20 am-2:30 pm. Dinner: Mon.-Sun., 5:30-11 pm. MasterCard, Visa, American Express. Reservations accepted. Non-smoking section. Wheelchair accessible.



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Wine

No joke: red zinfandel is back

By Rory Olson

IF RODNEY Dangerfield had been a grape, he no doubt would have been a zinfandel — they both get no respect. With the rise in popularity of white zinfandel, coupled with America's love affair with cabernet sauvignon, the red zinfandel has been in a state of decline. But the respect it deserves is returning, with a resurgence of interest by wineries in this all-but-forgotten variety.

The origin of the zinfandel grape, shrouded in mystery, has been the subject of a long-running debate. Agoston Haraszthy, founder of California's first winery (Buena Vista), was believed to have introduced the variety to America



has become an Eden for zinfandel lovers. Dry Creek has a reputation for producing high-caliber zinfandels, from vineyards dating back to before Prohibition. The cooler temperatures of the Sonoma Valley have yielded grapes that produce wines with softer tannins and more complex flavors.

Through all its ups and downs, zinfandel has remained a relative bargain in the red varietal category, with most priced between \$6 and \$9. The wines listed below have garnered praise from critics and consumers alike, and represent some of the best zinfandels made today. Not all of these wines are widely available in the Bay Area, so you may want to call the winery in advance to find out where they're distributed.

Ridge Vineyards is the granddaddy of all zinfandel producers. Since the early '70s, Ridge has had the greatest impact on the zinfandel scene with its individual appellation (Geyserville, Lytton Springs, York-Creek, Shenandoah, Fiddletown) wines. Ridge's winemaker, Paul Draper, has established a style for big, intense wines made in the traditional method. The 1985 Ridge "Geyserville" Zinfandel (\$10) is no exception. A powerful wine with loads of ripe flavors and just a touch of oak. A velvety texture with mouth-filling richness on the palate, the '85 is textbook-perfect. If you're only going to drink one zinfandel this year, this should be the wine.

Situated on Howell Mountain, La

Jota Vineyard Co. produces fewer than 5,000 cases annually of world-class zinfandel and cabernet sauvignon. With the help of Randy Dunn of Dunn Vineyards, La Jota has made great strides, becoming one of Napa's premier wineries. The 1985 La Jota Zinfandel (\$9) is an intense, spicy, oaken wine, with layers of concentrated fruit. It drinks well now with roast or stew, but has the balance to develop further with three to four years of cellaring.

Established in 1979, Storybook Mountain Vineyards has risen to prominence by producing a string of flavorful zinfandels (in fact, it produces zinfandels exclusively). The 1985 Storybook Mountain Zinfandel (\$8.50) exhibits the raspberry-oak-chocolate-pepper character often associated with Napa Valley zinfandels. Lovely to drink now, it has the lively fruit and balance to age gracefully for years to come.

Winemaker Joe Swan consistently produces top zinfandels in very limited quantities. He ages his wines in French Nevers oak and holds them back an extra year before release. They're difficult to find, but worth the search. His zinfandel is made from grapes grown in the famous Teldeschi Vineyard in the Dry Creek Valley. The 1984 Joseph Swan Zinfandel (\$9) is a big, peppery wine loaded with voluptuous fruit on a solid oak frame. Huge tannins dominate the enticing raspberry-blackberry flavors at present, but this wine will develop into another classic Swan zinfandel. His 1972 is still delicious today.

Founded in 1976, the Ravenswood Winery produces an array of varietals, but it is clearly their zinfandel that has earned them the reputation they have today. They produce four bottlings of zinfandel: Vintner's Blend, Sonoma County, Dickerson Vineyard and Old Hill Vineyard. All possess unique characteristics, but all show the same high quality. The Vintner's Blend, at \$5.99, is possibly the best value in red wine on the market. The 1985 Ravenswood "Old Hill" Zinfandel (\$13) is produced from grapes on a 75-year-old vineyard near Geyserville. It displays lush, exotic flavors of raspberry, anise, cherries and bittersweet chocolate with big tannins and tight acids. Currently a great accompaniment to roasted meats and game, this wine will make the long haul and offer years of great drinking pleasure. ■

Ask Isadora

Bitten by the love bug?

By Isadora Alman

Q: A few years ago I met a man and I fell in love with him, and he with me. When I first became aware of him as a man, strange things started happening to my body — things I had never felt before for anyone. My ears would itch, then my lips and then my bottom. After a while these reactions stopped. But now, since we broke up three months ago, they have started all over again. What are these reactions to him that don't stop even though we are not together any more?

A: Itching is often a nervous reaction. You might have felt ner-

vous about falling in love initially, and nervousness about the recent breakup. Because you never felt like this before it is not to be taken as some cosmic sign of special affection — "This must be Mr. Right! I feel it in my skin!" This could also be something as prosaic as body lice you caught from him and are now left with. If it doesn't go away, consider seeing a dermatologist first, a psychotherapist second.

Q: I guess I'm one of your younger readers. I'm 17. I have a girlfriend my age who is also a virgin. She wants to have sex with me. I don't want to. What do I do?

A: Nancy Reagan not only gives you her personal support, she tells you loudly and often just what to tell your girlfriend: "Just say no." I'm sure you would be able to do that if she asked you to participate in some other activity you didn't care to try, right? The belief that all red-blooded men will jump at any occasion to have any kind of sex is absurd. You might, if she is a

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Breakfast or Lunch for Two
★ Five \$10.00 Prizes for Children ★
Twelve or Under

CONTEST RULES

1. Any paper napkin can be used
2. MARCH 30, 1988; entry deadline
3. Prizes awarded APRIL 15
4. All entries become property of Mama's Royal Cafe
5. DECISIONS OF JUDGES FINAL
6. Limit five entries per person
7. Each entry must be submitted in an appropriately sized envelope.

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from his native Hungary in 1858. However, recent findings have indicated that the zinfandel is in fact the Primitivo di Gioia variety, from the Italian province of Puglia. How it eventually found its way to our shores is still a mystery.

Regardless of its ancestry, the zinfandel has found a home in the fertile soils of California, and has been adopted as the native grape. By 1980, it was the most widely planted red varietal in the state, and could be found in every major wine-producing region, though the majority of the vineyards are in the Central Valley. Most zinfandel grapes go into generic red blends — jug wines.

Several regions have proven track records for producing classically styled zinfandels that can rival the noble cabernet. These areas include: Amador County in the Sierra foothills, the Dry Creek Valley in Northern Sonoma, Howell Mountain in Napa Valley and parts of Napa and Mendocino counties.

Amador County, in the heart of California's gold country, cultivates more than 12,800 acres of premium zinfandel vines, centering around the town of Fiddletown in the Shenandoah Valley. Ridge Vineyards, Sutter Home Winery and Montevina Winery are but a few of the top zinfandel producers who use grapes from this appellation to make their wines. The wines of Amador are usually more robust in character than those from Napa or Sonoma fruit, with a more intense flavor of fresh raspberries and anise, a higher alcohol content and more aggressive tannins in their youth. Over the years they have demonstrated their ability to soften with age, shedding their cloak of tannin and evolving into more harmonious wines.

In recent years, the Dry Creek Valley

friend you can really level with, tell her some of your reasons for refusing. (You don't feel ready, you're afraid of the risk, she doesn't attract you in that way, you prefer to wait for love or marriage — whatever.) I want to assure you that you don't owe her any explanations, but in the name of kindness, if not of friendship, you do owe her tactful gentleness. So "No, thank you" plus some reassurances about her at-

Emotions rarely do make sense. It's possible that she may both love you and also wish to end the relationship.

tractiveness or your willingness to continue the friendship are definitely in order.

Q: How do you know when someone is stringing you along and what to do about it? This woman says she loves me but she also says this relationship won't work and we'd better end while we're ahead. Does that make sense to you? What should I do?

A: The operative question here is what do you want to do? That cuts right through "what's going on here?" and the "shoulds." Emotions rarely do make sense — that's why they're feelings and not facts. It is possible that she may both love you and also wish to end the relationship — she may not love you "enough" (by her lights or yours), may also love someone or some thing more, may have a different life plan than yours. All those possibilities might account for the hot and cold actions that could well feel to you like being strung along. If she can't explain or you can't understand any better than you have, then back to the basic choice. It's painful being with her right now and will probably be painful without her for a while. Choose the one you feel you can handle best or is likely to lead where you want to go.

Q: I realize you cannot be responsible for recommendations made by your readers, but I want you to know that I tried to purchase *The Ultimate Kiss* from 21 Club in Iowa. I sent them a check in November and several letters since then, and I never heard from them. I wonder if other readers had a similar experience.

A: I haven't heard from any. I can't do a thing about that company, I'm sorry to say, but may I suggest a future alternative? The reliable folks at Good Vibrations in San Francisco are starting a mail order book-buying service called The Sexuality Library. Catalogs are now in the making. If you would like to be on their list to receive one, send a postcard to: The Sexuality Library, 3385 22nd St., San Francisco 94110.

Note to my readers: Lucky you, they're doing it again. San Francisco Sex Information's spring training begins soon. I don't know where else you can get so much valuable information on your and my favorite topic for so small an investment of time and money. Call them at 621-7300 to find out more. ■

Bay Area sex educator and communication consultant Isadora Alman, the author of Aural Sex & Verbal Intercourse, will answer reader queries in this regular column in City Limits. Send your questions to her, c/o San Francisco Bay Guardian, 2700 19th St., SF 94110.

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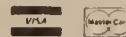
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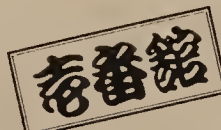
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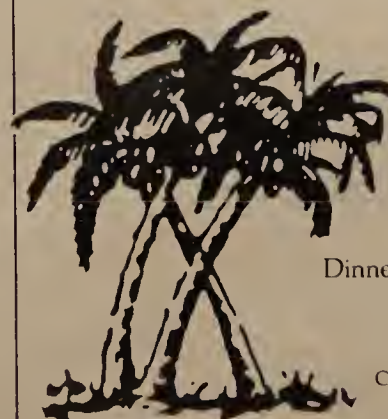
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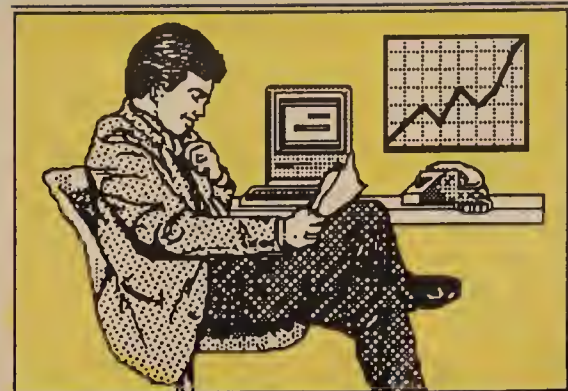
Fill out the questionnaire and mail it back. Your answers will be fully analyzed by computer and you will be contacted to set up an appointment for your results. An experienced, qualified expert will give you a confidential, personal evaluation - FREE of charge.

FOLLOW THESE INSTRUCTIONS: Answer each question as to how you feel RIGHT NOW.

START HERE: + M -
☐ ☐ Means yes or mostly yes
☐ ☐ Means maybe or uncertain
☐ ☐ Indicates no or mostly no

- + M -
- Do you make thoughtless remarks or accusations which you later regret?
 - Is it hard on you when you fail?
 - When others are getting rattled do you remain fairly composed?
 - Do you find yourself being extra active for periods lasting several days?
 - Do you browse through railway timetables, directories or dictionaries just for pleasure?
 - Do you resent the efforts of others to tell you what to do?
 - When asked to make a decision would you be swayed by your like or dislike of the personality involved?
 - Is it normally hard for you to "own up and take the blame"?
 - Do you intend two or less children in your family even though your health and income will permit more?
 - Do you have a small circle of close friends rather than a large number of friends and speaking acquaintances?
 - Are your actions considered unpredictable by others?
 - Do you often sing or whistle just for the fun of it?
 - Do you get occasional twitches of your muscles when there is no logical reason for it?
 - Does "everything" seem glorious to you even though you are aware of some things that should be changed?
 - Would you prefer to be in a position where you did not have the responsibilities of making decisions?
 - Would you rather give orders than take them?
 - Do the affairs of other people interest you very much?
 - Do you put quite a few depreciations of others into your conversation?
 - Do you consider too much money is being spent on social security?
 - Are you considered warm-hearted by your friends?
 - Do you act impulsively rather than deliberately?
 - Do you make efforts to get others to laugh or smile?
 - Is your voice quite varied rather than calm?
 - Can your world "cave in on you" without your being upset?
 - Do you say little except in response?
 - Are you strict in the matter of discipline rather than being easy going?
 - Are you readily interested in other people's conversation?
 - Do you refrain from complaining when the other person is late for an appointment?
 - When hunting or fishing do you feel concern for the pain you inflict on game, live bait or fish?
 - Do you find it easy to express your emotions?
 - Are you generally careless of accepted rules for protecting your health?
 - Are you sometimes considered by others a "spoiled sport" or "wet blanket"?
 - When unexpected things happen do some of your muscles have jerking motions?
 - Are you constantly happy even though there is no real reason for it?
 - Do you speak slowly?
 - Would you admit you were wrong just to keep the peace?
 - Do you give a judgment only after looking at the pros and cons?
 - Do you consider there are other people who are definitely unfriendly towards you & work against you?
 - Are you normally considerate in your demands on your employees, relatives and friends?
 - Do you have only a few people of whom you are really fond?
 - Do you take reasonable precautions to prevent accidents?
 - Do you speedily recover from the effects of bad news?
 - Does the idea of talking in front of people make you nervous?
 - Do you ever get a "dreamlike" feeling towards life when it all seems unreal?
 - Do you "circulate around" at a social gathering?
 - Do you often keep your opinions to yourself because they do not seem important enough to tell others?
 - Do you sometimes think others are looking at you or talking about you, when they are really not doing so?
 - When you criticize, do you at the same time try to encourage?
 - If you saw an article in a shop which was obviously mistakenly marked lower than its correct price, would you try to get it at that price?
 - Do some people consider you to be cheerful?
 - Do you get into trouble occasionally?
 - Does life seem worthwhile?
 - Do you have a particular hate or fear?
 - Do you spontaneously give things away even though you have a use for them?
 - Do you prefer to be an onlooker rather than participate in any active sport?
 - Are you so sure of yourself that you sometimes annoy others?
 - Do you find it easy to be impartial?
 - Do you completely condemn a person because he is a rival or opponent in some aspect of your relations to him?
 - Have you a definitely set standard of courteous behavior in front of other members of your family?
 - Does emotional music have quite an effect on you?
 - Would you "buy on credit" with the hope that you can keep up payments?
 - Do you often "sit and think" about death, sickness, pain and sorrow?
 - Do you remain upset for some time following an accident or other disturbing incident?
 - Do you hold onto things for which you have no real use?
 - Can you "start the ball rolling" at a social gathering?
 - Are you rather indifferent to maintaining the dignity of your job or place in life?
 - When hearing a lecturer, do you sometimes experience the idea that the speaker is referring entirely to you?
 - Do you give much time in your conversation to the criticism of people and things?
 - Do you consider the good of all concerned rather than your own personal advantages?
 - Are you openly appreciative of beautiful things?
 - Do you make plans well in advance of an event and then carry them out?
 - Do you often ponder on past misfortunes?
 - Does "external noise" rarely interfere with your concentration?
 - Do you sometimes give away articles which, strictly speaking, do not belong to you?
 - Do you pay less attention to things going on around you than most people?
 - Are you sometimes considered overbearing?

- + M -
- Are you inclined to be jealous?
 - Do you accept criticism easily without resentment?
 - Do you consider the modern prisons without bars system "doomed to failure"?
 - Do you greet people cordially?
 - Do you tend to put off doing things and then discover that it is too late?
 - Does the youth of today have more opportunity than that of a generation ago?
 - Are you usually undisturbed by "noises off" when you are trying to rest?
 - Do you throw things away only to discover that you need them later?
 - Is it easy for you to get yourself started?
 - Would you give up easily on a given course if it were causing you a considerable amount of inconvenience?
 - Are there some things about yourself on which you are touchy?
 - Do you rarely suspect the actions of others?
 - When you see someone in pain are you sympathetic enough as to want to do something about it?
 - Do you live the kind of life where you have only a few expressions of enthusiasm?
 - Do you break out in more explosive words or actions than would be expected from the cause?
 - Do you sometimes wonder if anyone really cares about you?
 - Do you bite your fingernails or chew objects?
 - Do you sometimes feel compelled to repeat some interesting item or habit?
 - Are your interests and activities modified somewhat by someone else's?
 - Do you turn down responsibility because you doubt your fitness to cope?
 - Are you prejudiced in favor of your own school, college, or club?
 - If you have a disagreement, do you think as well of the person afterwards?
 - If you were invading another country, would you feel sympathetic towards conscientious objectors in this country?
 - Is your facial expression varied rather than set?
 - Can you be a stabilizing influence when others get panicky?
 - Would it take a definite effort on your part to consider the subject of suicide?
 - Do you ever get a single thought which hangs around for days?
 - When you have an opinion can you simply state it without outlining how you arrived at it?
 - Are you a slow eater?
 - Would you consider yourself energetic in your attitude towards life?
 - Are you scientific in your thinking?
 - Is it hard to please you?
 - Would you stop and find out whether a person needed help even though they had not directly asked for it?
 - When passing a beautiful child do you avoid showing interest rather than looking and smiling?
 - Do you pay your debts and keep your promises when it is possible?
 - Does a minor failure on your part rarely trouble you?
 - Do you sleep well?
 - Do you sometimes feel you talk too much?
 - Do you prefer to take a passive role in any club or organization to which you belong?
 - Do you seek to have your own way rather than being likely to give in to the wishes of others?
 - Is your opinion influenced by looking at things from the standpoint of your education, experience or occupation?
 - Do you usually criticize a film or show that you see or a book that you read?
 - Would you use corporal punishment on a child aged 10 if it refused to obey you?
 - Do you smile much?
 - Do you often make tactless blunders?
 - Do you remember illness or pain for some time?
 - Do you ever get disturbed by the noise of the wind or a "house settling down"?
 - Do you get very ill at ease in disordered surroundings?
 - Provided the distance was not too great, would you still prefer to ride than walk?
 - Do you try to convert others to your ideas about several subjects on which you are not an expert?
 - Are personal interests unable to sway you from sound decisions?
 - Do you get frustrated at not being able to do something, rather than finding a substitute activity or system?
 - Have you made more than one loan which you were persuaded to do against your wishes and were never repaid?
 - When recounting some amusing incident, can you easily imitate the mannerisms or the dialect in the original incident?
 - Do you frequently take actions, even though you know your own good judgment would indicate otherwise?
 - Do you often feel depressed?
 - Are you aware of any habitual physical mannerisms such as pulling your hair, nose, ears and such like?
 - Does disorder bother you so much that you feel you must take immediate and drastic action against it?
 - Do you sometimes get quite exhilarated?
 - Can you accept defeat easily without the necessity of "swallowing your disappointment"?
 - Can you see things from someone else's point of view when you wish to?
 - Do you rarely express your grievances?
 - Are you in favor of color bar and class distinction?
 - Would you rather be with adults all the time rather than with children part of the time?
 - Can you quickly adapt to new conditions and situations even though they may be difficult?
 - Are you sometimes completely unable to enter the spirit of things?
 - Do some noises "set your teeth on edge"?
 - Do you work in "spurts," being relatively inactive and then furiously active for a day or two?
 - Do you frequently stay up late?
 - Does the number of incomplete jobs you have on hand bother you?
 - When voting, do you study the candidates and issues, rather than voting the same party straight?



Name _____
Phone _____ Bus. Phone _____
Address _____
City _____ State _____ Zip _____
Age _____ Occupation _____
Date _____ Sex _____

FILL IN THE FOLLOWING:

- + M -
- Do you consider the best points of most people and only rarely speak slightly of them?
 - Do the "petty foibles" of others make you impatient?
 - Do people enjoy being in your company?
 - Do you usually carry out assignments promptly and systematically?
 - Do you laugh or smile quite readily?
 - Do children irritate you?
 - Can you quietly watch another work, without feeling you must insist on helping when they indicate they would rather do it themselves?
 - Are you less talkative than your associates?
 - Are you definite and emphatic in voice and manner?
 - Do you place too high an importance on your own interests and fields of knowledge in comparison to others?
 - Do you suspect someone does not like you and criticizes you to others?
 - Would you assist a fellow traveller rather than leave it to the officials?
 - Are you cordial only to close friends, if at all?
 - Do you quickly return to normal rather than being disturbed for a while after seeing a tragic movie or play?
 - Does some inferiority make you feel sad?
 - Is it easy for you to relax?
 - When you "really want to do something," do you feel your desires are paramount to all opposition?
 - Do you attempt to "start things in your area"?
 - Do you feel strongly convinced of the correctness of your opinions when in a controversy, excluding those subjects about which you are an expert?
 - Do you find it annoying to have any criticism made of you, even though it is justified and from which you could profit?
 - Having settled an argument, do you continue to feel disgruntled for a while?
 - Would you stand by and fail to protect some animal from needless suffering?
 - Do you give a kiss, hug, pat on the back or otherwise manifest pleasure in meeting friends you haven't seen for some time, rather than just being polite?
 - Do you find it hard to get started on a task that needs to be done?
 - Is the idea of death, or even reminders of death, abhorrent to you?
 - Do you sometimes get so frightened or apprehensive that you have physical reactions?
 - Do you find yourself "going off in all directions at once"?
 - Could someone else consider that you were really active?
 - Is your opinion of your abilities less than the facts warrant?
 - Do your emotions sway your judgment much?
 - If you lose an article do you get the idea that "someone must have stolen or mislaid it"?
 - Are you opposed to the "probation system" for criminals?
 - Are you friendly in voice, attitude and expression?
 - Do you "stand up" well under difficult situations?
 - Do you feel upset about the fate of war victims and political refugees?
 - Do you spend much time on "needless worries"?
 - Does life seem rather vague and unreal to you?
 - Do you frequently find yourself "waiting" for something to happen instead of taking action?
 - If you thought someone was suspicious of you and your actions, would you tackle them on the subject, rather than leave them to work it out?
 - In a disagreement do you find it hard to understand how the other person fails to see your side and thus agree with you?
 - Do you spend very little if any time grumbling about the conditions of your work?
 - Are you usually truthful to others?
 - Do mere acquaintances appeal to you for aid or advice in their personal difficulties?
 - Do you spend too freely in relation to your income?
 - Do you sometimes feel that your age is against you (too young or too old)?
 - Can you take a "calculated risk" without too much worry?
 - Do you have spells of being sad and depressed rather than staying at the same level?
 - Do others push you around?
 - Do you tend to hide your feelings?
 - Do you make allowances for your friends where with others you might judge more severely?
 - Are you frequently dismayed by the actions of others not being able to understand their duplicity or stupidity?
 - If you were involved in a slight car accident would you really take the trouble to see that any damage you did was made good?
 - Do you consider you have many warm friends?

When you're done with the questionnaire please fold and place in a stamped envelope and mail to this address:
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